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Democratic Governance for Development (DGD) Project II, Election Contextual Analysis (ECA) Project, Nigeria

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DGD II: ELECTION CONTEXTUAL ANALYSIS PROJECT

FIRST NATIONAL POLITICAL DEVELOPMENT REPORT AND SUPPLEMENT: PRELIMINARY RISK REVIEW OF NIGERIAN ELECTORAL CONTEXT

I. EXECUTIVE SUMMARY

The Democratic Governance for Development (DGD) project II initiated the Election Contextual Analysis (ECA) project to identify, assess and analyse the political environment related to the 2015 general elections. The analysis seek to inform national and international stakeholder of the political, socio-economic and security risk factors that may impact on the elections, as well as efforts to mitigate any adverse outcomes and support a peaceful process before, during and after the elections.

A. Political Landscape

Two months before the general elections in February 2015, the two main political parties are Peoples Democratic Party (PDP) and All Progressives Congress (APC). PDP was established in 1999 and has been the ruling party since then. APC was established in 2013 from a merger of the main opposition parties. Later, five governors and other politicians decamped from PDP and other parties to APC. There are now two political parties of relatively equal strength and presence across the Federation. Observers have expressed concern on whether APC will remain united after the party primaries.

Failure to adhere to internal political party regulations often triggers intra-party confrontations and violence during the primary process. Party aspirants sometimes contest the results of the primaries, especially where party regulations are disregarded. This often creates substantial pre-election court cases that may affect electoral preparations and contribute to political tension among parties and candidates.

The monetized nature of obtaining party nominations increases the likelihood of cross-party defections as aspirants seek to secure a ticket with contributions to political parties. Defections across the parties—before and after party primaries—generate personal animosities between the parties and individuals, further heightening the risk of election-related tension and violence.

B. Security Setting

The greatest security risk for the forthcoming general elections is the insurgency in the North-East Zone, especially Adamawa, Borno, and Yobe states, as Boko Haram attacks might impede electoral preparations and voting on Election Day. Ongoing communal clashes in several Middle Belt states, including Taraba, Nasarawa, Plateau, and Kaduna, might exacerbate during election time. The

stakeholder perception that security forces are not neutral has further eroded confidence in their capacity to protect electoral participants. Some political actors have resorted to organizing "private security" to counter the perceived bias.

Potential scenarios expressed by a wide range of stakeholders include general elections being postponed due to insecurity, either nationally or in the three North-East states affected by the Boko Haram insurgency and probable scenario of post-election violence. There is compelling need for national and international stakeholders to address these potential conflicts and mitigate their impacts in the run-up to the 2015 elections.

C. Constitutional and Legal Framework

The existing legal framework is generally considered adequate for guiding the political party primary process and conducting the 2015 elections, but efforts to further reform the Electoral Act 2010 (as amended) in 2014 were unsuccessful. Recommended improvements by national and international stakeholders following the 2011 elections were reflected in proposed amendment bills in the National Assembly. While the Senate has passed its version, the House of Representatives is yet to pass its version of the bill two months to the February elections.

The electoral disputes system is primarily the domain of the Judiciary, with election petitions submitted to competent courts or temporary election tribunals. Based on previous electoral experience, Nigeria can anticipate a heavy load of legal challenges before and after the elections that may result in delays and increased tensions as final results are litigated for resolution.

D. Electoral Management and Administration

There is a general perception of confidence amongst key stakeholders in the integrity of INEC's Chairperson, Professor Attahiru Jega; however, recent developments have diminished the level of trust in INEC's capacity to carry out the elections. INEC recognizes the magnitude of the challenges it faces and the need to clearly set priorities. Stakeholders indicate that communications between different levels of INEC administration can be improved and further decentralization is needed to facilitate more efficient decision-making.

The continuous voter registration (CVR) and distribution of permanent voter cards (PVCs) did not live-up to the expectations of the electorate. The perceived tardiness in the distribution of PVCs has been used by political parties to question the preparedness and even impartiality of INEC. At this stage, it is open for discussion whether the challenges with electoral preparations could be attributed to INEC's institutional capacity or to other reasons.

E. Social Actors and Human Rights

Social actors—including civil society organizations (CSOs), religious organizations, and professional associations—play important roles in conflict prevention, civic and voter education (CVE), and election observation. CSOs will implement a range of CVE activities in communities and via media campaigns. CSOs will also conduct election observation using traditional, crowd-sourced, and parallel vote tabulation (Quick Count) observers. Media are perceived by some as being biased, depending on ownership. Publicly owned media are perceived to favour the respective ruling parties, while private media are generally more balanced between parties. Radio is the most widely accessible media outlet across the Federation.

Women aspirants for elective office often encounter informal barriers to nomination from the parties, despite both National Gender Policy and political party policies designed to encourage women's

participation. Ultimately, the closing of political space for women inhibits their right to contest for election and limits the voters' rights to choose freely among candidates.

Genuine elections depend upon all eligible voters being able to freely cast their votes for candidates of their choice. Some of the challenges arising for the 2015 elections include the potential disenfranchisement of internally displaced persons (IDPs) due to the Boko Haram insurgency, communal conflicts in several states, and the remaining effects of the 2012 flooding disaster. The right of voters to cast ballots freely is also adversely impacted both by intimidation and inducements intended to capture political support.

I. INTRODUCTION

The Democratic Governance for Development (DGD) II project road map recognizes the need to provide national and international policy makers with contextual analysis in the dynamic political environment leading to the Nigerian general elections in February 2015. Election Contextual Analysis (ECA) is intended as an innovative approach to monitoring electoral activities through a conceptual framework for identifying institutional and political issues that may impact the conduct of genuine national and state elections.

In the Nigerian context, ECA will identify risk factors associated with political interests that are both influenced and constrained by public and private incentives for seeking elected office. The ECA outputs will cover the entire electoral period. Pre-election risk reviews are anticipated to serve as early-warning mechanisms for issues that could trigger outbreaks of electoral violence or attempts at electoral manipulation. The post-election assessment of the process will include policy recommendations for improving the institutionalization of democratic governance structures.

The ECA project combines national and international expertise to review institutional and political issues that may impact elections at the federal and state levels. The first NPDR follows the State Profile Report (SPR) issued on 1 December 2014 and identifies key issues influencing the national electoral context. The SPR focused on 19 states selected by DGD II based on extensive consultation with a working group of academics, civil society representatives, and political experts. The NPDR covers the national context. Both reports will serve as the basis for two additional NPDRs to be issued in January and March 2015. Periodic situation reports may be produced as electoral events develop. The NPDRs will highlight and update on the identified risk factors to the electoral process and offer policy recommendations as appropriate.

The ECA reports will be based on current information covering five thematic areas designed to capture key political, economic, and social risk factors:

- ◆ Political Landscape (i.e., party dynamics, elite associations, campaigning, etc.)
- ◆ Security Setting (i.e., security issues, conflict triggers, military/police actors, etc.)
- ◆ Constitutional and Legal Frameworks (i.e., implementation, electoral petitions, etc.)
- ◆ Electoral Management and Administration (i.e., preparations, performance, issues, etc.)
- ◆ Social Actors and Human Rights (i.e., civil society actors, activities, dynamics, etc.)

II. THEMATIC ANALYSIS: NATIONAL POLITICAL DEVELOPMENTS

A. POLITICAL LANDSCAPE

The 2015 general elections are the fifth elections since the return to civilian rule in 1999. This is the longest, continuous period of democratic governance since Independence in 1960. The current political space in Nigeria is marked for the first time by the presence of two relatively equal political parties contesting the elections: Peoples Democratic Party (PDP) and All Progressives Congress (APC).

Nigeria is an ethnically and religiously diverse society and is endowed with natural resources, mostly on the exclusive legislative list and under the control of the federal government. Political positions are a key means of accessing resources. While not unique to Nigeria, patronage has become a significant aspect of its politics; however, some politicians are genuinely motivated to develop Nigeria. The patronage system has fostered mistrust among various groups and communities in the country. Patronage networks fuel a culture of impunity and lack of accountability.

The political landscape includes the following topics: 1) political parties, 2) primary elections, and 3) political scenarios.

1. Political Parties

The party system was until 2013 "a one party dominant political system in which the dominant party controls enormous resources compared to the other parties".¹ There are indications that the political scene, as a result of the merger of the main *opposition* political parties into APC in February 2013, is progressing towards a two-party system.

The two main political parties have more than 90 percent of the members of the National Assembly and 35 out of the 36 governorships. Three other parties—All Progressive Grand Alliance (APGA), Labour Party (LP) and Accord Party (AP)—are present in the National Assembly. INEC recognizes 26 political parties as validly registered parties in 2014,² all of which are members of the Inter-Party Advisory Council (IPAC), an association of all registered political parties.

Currently IPAC has limited activities, but efforts underway may lead to it becoming a reliable inter-party platform. IPAC is an advisory body to INEC that facilitates communication between all parties and the Electoral Management Body, among other functions. IPAC does not have the authority or capacity to address inter-party disputes, or resolve conflicts within parties. Most electoral or party disputes are taken to court for adjudication.

Nigerian political parties are unequal in size and resources and have different histories, but they share at least three common features:

- ◆ Parties are structured around personalities rather than ideologies. While formal leaders hold executive positions, informal leaders may have equal or greater authority over the party.
- ◆ Parties lack internal democracy. Although parties have formal organizational rules, they are generally not respected. The lack of compliance with internal rules increases intra-party conflict and diminishes public confidence in the parties.

¹ J. Leibowitz and J. Ibrahim. *A Capacity Assessment of Nigerian Political Parties*, United Nations Development Programme (UNDP) Democratic Governance for Development (DGD), 2013.

² INEC de-registered 38 parties in 2011 and 2012; however, two courts invalidated these decisions. See Report Section C: Constitutional and Legal Framework for more details.

- ◆ Party members may easily decamp to other political parties. Although parties have provisions to sanction political migration, these are rarely enforced. Before elections, migrations are typically from larger parties to smaller ones, and after elections, from smaller parties to larger ones.

Peoples Democratic Party (PDP). In 2011, PDP won the general elections with the party's presidential candidate winning 57 percent of the votes in the first round and 23 of the 36 governorship positions. The other Nigerian political parties were scattered around regional bases and did not have the capacity to compete nationally. In December 2014, holds on to a small majority in both chambers of the National Assembly, having lost five of its governors and assembly members to APC. Currently, PDP faces strong competition from the emergent APC.

President Jonathan's decision to run for a second term has provoked dissatisfaction among some PDP members. They view his new bid as going against PDP's practice of *zoning*, which provides that the office of President of Nigeria must alternate between the North and the South of the country. The process by which Jonathan was selected as the consensus candidate was criticized by some members as lacking internal democracy. Instead of going through internal party elections, as stipulated in the party's constitution, the PDP secretariat announced that its National Executive Council had already chosen the incumbent president as the party's sole candidate.

All Progressives Congress (APC). The APC is the result of a merger between the major *opposition parties*: Action Congress of Nigeria (ACN), All Nigeria Peoples Party (ANPP), Congress for Progressive Change (CPC), and a faction of the All Progressives Grand Alliance (APGA), along with dissidents from PDP. The parties that coalesced into APC, which were formerly organized around regional strongholds, came together to create a solid national base with the aim of competing against PDP. One indication of growing strength was when five governors decamped to APC from PDP in the last quarter of 2013; however, the incumbent APC governor in Ekiti lost re-election in 2014. Another indication of APC's strength is its efforts to build a unified structure and a national biometric register for its members.³ The 2015 elections will reveal whether APC is a party or an ad-hoc coalition.

APC presidential candidate Muhammadu Buhari, who is making his fourth attempt at the presidency, has become a symbol of the opposition to the PDP regime. He obtained more than 12 million votes in the 2011 elections as the candidate of CPC. As a former military head of state, Buhari is appreciated by some citizens who are nostalgic for the discipline he attempted to instil during his tenure from December 1983 to August 1985. This public also believes that his military regime attempted to rid the country of corruption.

Labour Party (LP). The Labour Party prides itself for promoting workers' welfare, including full employment and economic empowerment. In 2012, the party was declared as the winner of the Ondo State governorship election after a protracted court case. The party has nine seats in the House of Representatives and two in the Senate. In October 2014, the Ondo Governor and his political associates decamped to PDP, thereby destabilizing the party. LP is typified by its commitment to including women in leadership and for promoting them as candidates. Almost 12 percent of the LP candidates for office in 2011 were women, as compared to other parties who fielded less than 5 percent women candidates.

All Progressives Grand Alliance (APGA). APGA is a regional party based in the South-East. Founded by Chukwuemeka Odumegwu Ojukwu, former leader of Biafra, the party is influential in Igbo politics. In the 2011 elections, APGA won two gubernatorial seats in the South-East (Imo and Anambra), one seat in the Senate, and six seats in the House of Representatives. The party split in 2013 after the Imo

³ The other parties are Labour Party and Peoples Democratic Movement (PDM).

Governor took a faction to join APC. After APGA won the Anambra gubernatorial election in March 2014, the former Anambra governor defected to PDP after his tenure.

Accord Party (AP). AP presently has four members in the House of Representatives and one Senator from its stronghold in Oyo state.

Miscellaneous Parties. There are more than 20 other smaller parties, which do not have parliamentary representation or gubernatorial mandates. The smaller parties are active mostly, if not only, during the electoral period.

2. Party Primaries

Legal Provisions. The Nigerian electoral law and the constitutions of the political parties both include provisions on the organization of party primaries. The PDP Constitution limits participation in internal elections only to those who have been in the party for more than two years. However, the aspirants can get a waiver to this rule. APC had a similar restriction in its constitution, which was removed in 2013 to attract politicians from other parties.

The electoral law allows parties to organize either direct elections (with the participation of all members) or indirect elections (through party delegates).⁴ Direct elections are generally considered less susceptible to undue influence, as they involve more people. Under the Electoral Act, indirect elections are to be conducted by delegates elected in accordance with party constitutions. There have been various complaints by delegates of being denied their rights contrary to established party procedures.

Informal Rules. In addition to the formal legal and party constitutional requirements, political parties have developed informal rules to help arbitrate contentious situations during nominations. Although these are powerful tools in negotiating the nomination process, they are sometimes disregarded which can increase internal party conflict.

Informal political party rules include the practice of zoning, gubernatorial incumbency factor, governor transitioning to senator, nomination fees, and defections:

- ◆ *Practice of 'Zoning'.* Zoning is a formal or informal practice⁵ of rotating office among various areas within national and local jurisdictions and has a powerful influence in candidate nomination processes. The intention of the zoning formula is to incorporate all segments of society in political representation and power sharing. Although zoning can reduce tension in some areas, the practice might also lead to conflict in others. Consequently, the practice is not a universal solution to prevent marginalization.
- ◆ *Gubernatorial Incumbency Factor.* Incumbent governors who are competing for their second term are more likely to win party nominations than non-incumbent aspirants.⁶ Incumbents generally enjoy greater name recognition, national party support, voter support, and campaign resources. Out of the 28 gubernatorial elections to be organized in 2015, 10 will involve incumbent governors.

⁴ Electoral Act 2010 (as amended), Sec. 87(2), 87(4), and 87(7).

⁵ Zoning is enshrined in the PDP Constitution, while most parties also follow this informal rule for all elective positions.

⁶ Z. Usman and O. Owen. "Nigeria 2015: Analysts say President Jonathan may get Overall Majority, but Run-off Likely," *Premium Times* (6 Nov 2014). Online. <<https://www.premiumtimesng.com/news/headlines/170688-nigeria2015-analysts-say-president-jonathan-may-get-overall-majority-in-first-ballot.html#print>>.

- ◆ *Governor Transitioning to Senator.* After completing the maximum elected tenure of eight years, some governors seek nomination for presidential, vice-presidential, or senatorial office. When outgoing governors seek nomination for the Senate, they may be competing against an incumbent senator from their own party, which may increase intra-party tension and conflict.
- ◆ *Nomination Fees.* Most parties have administrative fees for aspirants wishing to compete in internal party elections.⁷ The cost of nomination fees differs from party to party, depending on the size of the party. Some stakeholders consider that nomination fees restrict internal competition by deterring candidates who do not have the financial means, either personally or through supporters, to pay the fees. Another obstacle to internal competition is the denial of nomination forms to aspirants by parties. In most parties, women and candidates with disabilities are exempted from these fees.
- ◆ *Defections.* Dissatisfied candidates may decamp to other parties to seek nominations. Some defections may be temporary if politicians return to their original party. The emergence of APC has reduced the number of parties attractive to potential decampees. Defections may be a consequence of problematic succession at all levels of political competition.

⁷ The overwhelming majority of those interviewed said all parties charge nomination fees; nevertheless, the National Conscience Party (NCP) chairman told the DGD-ECA analyst that his party charges no fees.

B. SECURITY SETTING

The complex socio-cultural, ethnic, political and religious environment in Nigeria presents potential security challenges to peaceful elections. Elections tend to exacerbate artificial divisions and promote violence. The violence that erupted in some parts of the country after the 2011 general elections are a pointer to what could happen if care is not taken by the political elite and political parties in terms of playing the game according to the rules and avoiding intemperate campaign speeches and statements that could incite others to violence. Stakeholders should take particular note of these potential triggers and initiate pre-election programming to mitigate possible electoral violence.

The key risks and threats to the 2015 elections include sources for potential conflict and related triggers and scenarios:

1. Sources of Potential Conflict

Boko Haram Insurgency. The greatest security risk for the forthcoming general elections is the insurgency in the North-East, especially Adamawa, Borno, and Yobe states, as Boko Haram attacks may impede electoral preparations and voting. The insurgents have recently scaled up their activities, and areas not generally affected have become targets of suicide attacks, bombings, and occupation. The most recent devastating attack was the suicide bombing at the Emir of Kano's Central Mosque during Friday prayers, on 29 November 2014. Casualties were reported to be 100, with 135 wounded in the attack.⁸ The bombing drew strong criticism from the Emir of Kano and other Muslim leaders and clerics, including the Sultan of Sokoto, the supreme spiritual leader of Muslims in the country, and the President of the Christian Association of Nigeria, Pastor Ayo Oritsejafor.

Boko Haram insurgents have also taken control of numerous towns and Local Government Areas (LGAs) in Adamawa, Borno, and Yobe states. On 1 December 2014, Boko Haram invaded Damaturu, the Yobe state capital, leaving scores of security agents and civilians dead.⁹ Female suicide bombers, who were arrested before carrying out their missions, revealed that as many as 50 suicide bombers were prepared to launch attacks on Maiduguri, the Borno state capital.¹⁰ Boko Haram and the security force have engaged in numerous battles for the control of towns and villages, with neither able to establish complete control. An indication of Boko Haram's audacity is the attack and occupation of the home town of the Chief of Defence Staff, Air Chief Marshal Alex Badeh, for several weeks before the army retook it with help from local hunters and the Air Force.¹¹

Despite public statements by Boko Haram on its motives, there remains widespread suspicion and various theories that the insurgency has hidden motives and concealed supporters. There are two broad perceptions regarding the risk posed by Boko Haram to the successful conduct of the general elections. Some stakeholders believe the insurgency may be used to justify an extension of the current government tenure, while others, believe the insurgency is intended to destabilize the country and thereby undermine public confidence in the government. Regardless, stakeholders generally feel that elections should hold as planned.

⁸ Reuters. "Friday's Mosque Attack Killed 100, Wounded 135 in Nigeria's Kano: State Governor" (29 Nov 2014). Online. <<http://www.reuters.com/article/2014/11/29/us-nigeria-violence-idUSKCN0JD0MK20141129>>.

⁹ Vanguard. (4 Dec 2014): p. 1, Front page. Printed edition.

¹⁰ Vanguard. (3 Dec 2014): p. 1, Front page. Printed edition.

¹¹ The son of former president Olusegun Obasanjo, Lt. Col. Adeboye Obasanjo, an Army engineer, was wounded in one of the attacks. *The Sun Online News*, "Boko Haram: CDS Alex Bardeh's Town under Siege" (10 Sep 2014). Online. <<http://sunnewsonline.com/new/?p=81004>>.

Communal Clashes. There are ongoing communal clashes in several Middle Belt states, including Taraba, Nasarawa, Plateau, and Kaduna. While these are widely seen as religiously or ethnically motivated conflicts, they often arise over access to political and economic resources. The political elite have tried to address this through informal *zoning* rules; however, *zoning* has exacerbated some of these ethnic conflicts rather than resolving them.

Dissatisfaction with Electoral Results. Many stakeholders are concerned that there may be a repeat of the 2011 post-election violence. Reportedly, some communities have stockpiled arms and weapons. There is concern that they may respond with violence if their respective candidates lose the elections.

Potential for Inter-party Conflict. Risks for political or electoral violence become more pronounced during party primaries and electoral campaigning. Inflammatory statements against political parties and candidates can create inter-party conflict and incite tensions. Cases of violence were reported during the party primaries in Rivers, Lagos, Abia, Adamawa, and others.

Actions by Security Agencies. The perception that security forces/agencies are probably partisan escalates the risk of political violence. Stakeholders believe that some security forces actions may favour the ruling party. For example, the police barricading and locking the gates to the National Assembly on 20 November 2014 which was perceived as having political motivations. Another example is the Department of State Service (DSS) raids on the APC data centre in Lagos on 22 November 2014. The stakeholder perception that security forces are not neutral has further eroded confidence in their capacity to protect electoral participants. As a result, some political actors have expressed a need to organize "private security" to counter the perceived bias.

2. Triggers and Scenarios

Making assumptions about what will occur between now and after the elections is early; nevertheless, most of those interviewed are concerned about the political and security developments and are preparing themselves for different scenarios that might emerge. The following hypotheses should not be held as predictions but a summary of perceptions expressed by stakeholders in discussions with the ECA team.

General Elections Postponed due to Insecurity. Firstly, the National Assembly, on the request of the President, can postpone elections indefinitely in six months increments if the nation is at war and the territory of Nigeria is physically involved.¹² Some stakeholders contend that neither the Senate nor the House of Representative will approve the postponement of elections. Secondly, INEC can postpone the elections because of breach of peace, natural disaster or other emergency.

General Elections Postponed in the North-East for Security Reasons. If elections are not held in whole or in part of the three affected states in the North-East, the credibility of both national and state elections may be called into question. The credibility of such elections would be further complicated by the displacement of hundreds of thousands of internally displaced persons (IDPs).

¹² Constitution of Nigeria 1999 (as amended), Sec. 135(3).

C. CONSTITUTIONAL AND LEGAL FRAMEWORK

The legal foundation for the electoral context includes the amended versions of the 1999 Constitution and Electoral Act 2010. In advance of the 2011 elections, the frameworks were considered generally adequate for conducting elections; however, certain improvements were recommended by national and international stakeholders to create a more accountable electoral process. As result of these reform efforts, the Electoral Act was amended in 2010 and 2011. Similar reform effort before the 2015 election stalled in the National Assembly in mid-2014, and no amended frameworks are in effect for the 2015 elections.

One of the significant shortcomings of the existing electoral framework remains the delays and uncertainties resulting from legal petitions challenging the results from both party primaries and general elections. While the parties have their own internal dispute resolution mechanisms, electoral disputes remain primarily the domain of the Judiciary, with election petitions submitted to the competent courts or temporary election tribunals. Judgments from past election tribunals nullified gubernatorial elections¹³ and required fresh elections—sometimes several years after the governor had been sworn into office.

The legal framework for the 2015 elections remains adequate but an opportunity was lost for strengthening the process and clarifying areas that generated petitions and delays in the past.

1. Constitutional and Legal Provisions for General Elections

The amended 1999 Constitution provides the framework for conducting elections and establishes the electoral system for the election of the 1) Presidency,¹⁴ 2) National Assembly,¹⁵ 3) Governor,¹⁶ and 4) State Houses of Assembly.¹⁷ The general election must be held between 150 and 30 days before the expiry of the terms of office (Const. § 141).

Presidency and National Assembly. The winning presidential candidate requires a simple majority of votes cast AND not less than 25 percent of the votes from at least two-thirds of the states and Federal Capital Territory (FCT) Abuja (Const. § 133, 134). If this threshold is not met, a runoff election between the top two candidates shall be conducted within seven days of the results and must meet the same criteria. If the threshold remains unattained, a second runoff shall be conducted seven days after the first runoff results with the winner only requiring a majority of the votes cast. A president is limited to only two terms of four years each (Const. § 137(1)(b)).

Governorships and State Houses of Assembly. As with the presidency, the winning candidates for governor requires a simple majority of votes cast and not less than 25 percent of the votes from at least two-thirds of the Local Government Areas (LGAs) in the state (Const. § 179). Governors are also limited to only two terms of four years each (Const. § 182(1)(b)). State Houses of Assembly are composed of not less than 24 but not more than 40 members, depending on the number of seats in House of Representatives(Const. § 91). There is no term limit in the state assemblies.

Provisions for Postponement of Elections. There are two mechanisms for postponing elections, with each containing specific conditions under which postponement may be exercised. Under the first

¹³ For example, past gubernatorial elections Delta, Edo, Sokoto, Adamawa, Anambra, Ekiti, Bayelsa, Cross River, Kogi, Ondo, Osun, and Sokoto States have all been nullified.

¹⁴ See Chapter VI, Part I of the Constitution.

¹⁵ See Chapter V, Part I of the Constitution.

¹⁶ See Chapter VI, Part II of the Constitution.

¹⁷ See Chapter V, Part II of the Constitution.

mechanism, elections may be postponed when “the Federation is at war in which the territory of Nigeria is physically involved and the President considers that it is not practicable to hold elections, the National Assembly may by resolution extend the period of four years mentioned in subsection (1) of this section from time to time but not beyond a period of six months at any one time” (Const. § 64(2)). Effectively, the tenure of the president and National Assembly can be extended for six months at a time, during periods in which Nigeria is at war within its own territory or externally.

Under the second mechanism, INEC may postpone elections in such areas where “there is reason to believe that a serious breach of the peace is likely to occur if the election is proceeded with on that date or it is impossible to conduct the elections as a result of natural disasters or other emergencies... and such reason for the postponement is cogent and verifiable” (Const. § 26(1)). There is no stipulated period for holding the postponed elections.

2. Reform and Amendments to the Electoral Act

Nigeria underwent an electoral reform process following the 2007 elections that were considered below international and regional standards for democratic elections by international observers.¹⁸ The reform effort culminated in legislative action to amend the 1999 Constitution and 2006 Electoral Act in advance of the 2011 elections. The constitutional amendments covered a wide array of areas to improve electoral timelines and provide additional legal protections to political parties, candidates, and INEC. The electoral amendments reflected the constitutional areas, providing procedures and timelines for the required processes.

Even though the National Assembly attempted to amend the Electoral Act 2010 in advance of the 2015 elections, the lawmakers are yet to resolve their differences along party lines and the third reading has not been conducted as of December 2014. The proposed House amendments sought to address additional areas for improving candidate accountability, clarifying the role of security forces and imposing timelines on for electoral disputes, and establishing procedures for LGA council leadership changes:¹⁹

- ◆ *Candidate Accountability.* Courts or tribunals would be allowed to disqualify candidates who submit false information in nomination affidavit. Candidates would be required to identify campaign funding sources. Penalties would be imposed against election officials, party agents, or candidates who knowingly declare false results.
- ◆ *Security Forces Role.* INEC was to be provided authority for the deployment of security personnel in coordination with relevant agencies. Police roles were to be clarified during political party rallies and meetings. This provision was in response to claims that security forces are used to intimidate parties, voters, and election officials.
- ◆ *Electoral Timelines.* Specific time was to be set for post-primary and pre-election petitions. Additional time was to be allowed for lost PVC replacement or transfer, document certification by election officials, and access to election information by party agents. Less time was to be provided for swearing-in elected officials if election is questioned in an Election Tribunal.

¹⁸ European Union-Election Observation Mission (EU-EOM), Nigeria 2007. *Final Report: President, National Assembly, Gubernatorial, and State House of Assembly Elections* (2008): pp. 1-4; International Republican Institute (IRI). *Federal Republic of Nigeria State and National Elections April 14 and 21, 2007: Election Observation Mission Final Report* (2008): pp. 3-4; and National Democratic Institute for International Affairs (NDI). *Final NDI Report on Nigeria's 2007 Elections* (April 2008): pp. 3-6.

¹⁹ *National Assembly Journal*. “A Bill for an Act to Further Amend the Electoral Act No. 6, 2010 and for Matters Connected Therewith, 2014,” Vol. 11, No. 7, Abuja (28 May 2014), HB 14.05.718: pp. C551-560.

- ◆ *LGA Leadership Clarifications.* Procedures were to be set for replacing council chairpersons or deputies or vacancies with similar requirements as for federal and state elected officials. Clarifications would have deleted ability for public petition for removal.

The failure to pass the reforms has been attributed by stakeholders to the high level of distrust between PDP and APC, with each thinking the other party is seeking political advantages through amendment. Notwithstanding the failure to pass the 2014 electoral reforms, the current electoral framework is still considered adequate to conduct genuine elections, if the provisions are sufficiently observed, implemented, and enforced.

3. Electoral Disputes

Electoral disputes arise from both the pre-election, party nomination process and from the general election. The procedure for resolving pre-election and election petitions differs with the post-election process suffering from defects that create significant delays and uncertainties.

Pre-election Petitions. Petitions arising from the conduct of the party nomination processes may be filed either directly to the relevant Federal High Court, or it may be directed to an alternative dispute resolution (ADR) mechanism within the respective political party or with INEC itself. The shortcomings of ADR mechanisms are that the aggrieved parties are unlikely to file with their parties, given that their grievance is with the party itself, while INEC lacks legal standing to resolve the dispute with finality. Ultimately such disputes are referred to the Federal High Court.

In 2011, aggrieved aspirants filed approximately 375 pre-election complaints with INEC and more than 400 pre-election petitions across the country.²⁰ Allegations of illegal substitution of candidates were the primary complaints. Given the current political environment, significant numbers of legal challenges to the primary process, which ended 11 December 2014, are anticipated.

Post-election Petitions. Petitions arising from the conduct of the general elections fall within the original and exclusive jurisdiction of the courts, convened as election tribunals (*See* Constitution, Chapter VII, Part III). There are four grounds upon which an electoral petition may be filed:²¹

- ◆ The winning candidate was at the time of election not qualified to contest;
- ◆ The election was invalid due to corrupt practices or non-compliance with the Electoral Act;
- ◆ The winner was not elected by a majority of valid votes at the election; or
- ◆ The petitioner or its candidate was validly nominated but unlawfully excluded from the election.

The tribunals shall nullify an election if the winner was not validly elected on the grounds that the winner is determined not to be qualified, that substantial irregularities marred the election or if the Electoral Act was not complied with. Such nullification will result in fresh election.

Given that most legal redress requires the filing of a formal case, electoral disputes run the risk of long or delayed court processes due to a heavy case load. For example, during the 2011 elections, 140 post-election cases were filed.²² The potential for similar or a higher number of challenges in 2015 is likely with strong competition expected between PDP and APC across the country. According to the

²⁰ EU-EOM to Nigeria. *Final Report on the 2011 General Elections* (2012): pp. 5-6.

²¹ Nigeria Constitution 1999 (as amended), Sec. 138.

²² EU-EOM to Nigeria. *Final Report on the 2011 General Elections* (2012): p. 6.

European Union, following the 2011 elections, the Judiciary performed commendably despite procedural delays,²³ but the pressure for expedited decisions in 2015 may lead to higher tensions if the legal process is not seen to be neutral and impartial in handling election petition cases.

Electoral Violence. While the Constitution²⁴ and Electoral Act²⁵ specifically prohibit intimidation and violence in the pre-election period and on Election Day, there are no specific provisions that address post-election violence as a specific offense. Following the post-election violence of 2011, which left hundreds dead and thousands displaced, President Jonathan established the *Investigation Panel on Election Violence and Civil Disturbances* led by Sheikh Ahmed Lemu. In October 2011, the Lemu Panel submitted its finding to the President. The committee identified root causes for the violence, including a strong desire for change and frustration towards past regimes; bad governance; corruption; and a culture of impunity surrounding political, ethnic, and religious violence, as well as inflammatory rhetoric and recommended various mitigating measures²⁶. In spite of these recommendations, the federal government is yet to issue a white paper on the report of the committee. Given the political and security environments leading to the 2015 elections, many stakeholders fear that if nothing is done about the report, similar, or worse outbreaks of violence could occur.

4. Current Legal Matters

Speaker of the House of Representatives Controversy. Aminu Tambuwal, the Speaker of the House of Representatives decamped from PDP to APC on 28 October 2014. PDP requested Tambuwal to quit his Speaker position, citing § 68(1)(g) of the Constitution, which provides that a member of the National Assembly must vacate his seat if he becomes a member of another political party. Tambuwal rejected this demand citing the same constitutional provision that permits decamping in the instance of a division within a party. On 3 November 2014, a Federal High Court ordered the parties to maintain the status quo until a final court verdict.²⁷ Reportedly, the hearings in the case will start on 16 December 2014.²⁸

On 20 November 2014, the House of Representatives reconvened to consider the request of President Jonathan to extend the 'State of Emergency' in Borno, Yobe, and Adamawa. The police and other security agents attempted to restrain Tambuwal and his supporters in the House from entering the National Assembly Complex, effectively refusing to recognize him as the Speaker. Although Tambuwal and his supporters forcibly entered the Assembly Complex, they were tear-gassed by the police. Later in the day, the Inspector General (ICG) of the Police declared that he will not recognize Tambuwal's position and mandate until the Judiciary decides his case. The Police had earlier withdrawn Tambuwal's security escort and refused to restore it even after a Federal High Court ordered the reinstatement of the security protection.

Stakeholders consider this situation a disregard of due legal process by the executive, using the Police to intimidate the legislative and possibly influence the judicial branches of government. Although a

²³ EU-EOM to Nigeria. *Final Report on the 2011 General Elections* (2012): p. 6.

²⁴ Nigeria Constitution 1999 (as amended), Sec. 227.

²⁵ Electoral Act, Sections 61, 95(5), 96, 102, 128, 129, and 131

²⁶ J. Campbell. "Nigeria's Committee on Post-election Violence Reports to President Jonathan," *Council on Foreign Relations* (17 Oct 2011). <<http://blogs.cfr.org/campbell/2011/10/17/nigeria%E2%80%99s-committee-on-post-election-violence-reports-to-president-jonathan>>.

²⁷ *Daily Independent*. "Nigeria: Tambuwal—Court Orders Parties to Maintain Status Quo" (3 Nov 2014). Online. <<http://allafrica.com/stories/201411040700.html>>.

²⁸ *Nigerian Tribune*. "Court Slates Dec 16 to Hear Application to Stay Proceedings in Tambuwal's Suit" (10 Dec 2014). Online. <<http://www.tribune.com.ng/news/news-headlines/item/23726-court-slates-dec-16-to-hear-application-to-stay-proceedings-in-tambuwal-s-suit>>.

court order to maintain the status quo was in effect, the Police apparently acted in contempt of this order and attempted to bar Tambuwal from acting as Speaker of the House.

DSS Raid on Lagos APC Office. On 22 November 2014, officers of the Department of the State Security Service (DSS) raided the APC operational office in Lagos, confiscating official documents after a two-hour search.²⁹ The DSS claimed it acted on a complaint about possible unwholesome activities at the APC office. Four days later, the Federal High Court in Lagos issued an order barring further DSS actions against the APC data centre. On 1 December 2014, DSS conducted a second raid on the same APC office, despite the court order. APC claimed the second raid came on the same day it challenged the DSS to make public its findings after the first raid.³⁰

The DSS apparently acted in contempt of a court order and have thus far refused to disclose any findings from the two raids. Claims have been made that DSS followed political orders and the objective of the raid was to obtain the APC members' register. If this is true, the information obtained could be used for intimidating opposition party members, which may inflame tensions between the two parties and their members.

Prior Restraint on Former President Obasanjo's Book. On 5 December 2014, Buruji Kashamu, one of the PDP leaders in the Southwest obtained a Federal High Court restraining order prohibiting the publication of Olusegun Obasanjo's new book—"My Watch"—because the book touched on subject matters presently before the court on a libel action. The libel action arose from a public letter from Obasanjo to President Jonathan in which he criticized Jonathan for, among other things, appointing Kashamu, who had been previously indicted on drug trafficking charges in the United States as PDP South-West zonal leader. Following a 9 December 2014 public presentation of the book, a Federal High Court ordered on 10 December 2014, the Inspector General Police, DG DSS, and CG Customs to confiscate all copies of Obasanjo's book in private vendor's hands.³¹ The court also held Obasanjo in contempt of court and adjourned the libel case until 13 January 2015. Stakeholders have criticized the judicial order restraining Obasanjo's freedom of speech as an attempt "to dabble into the arena of partisan politics and muzzle freedom of expression".³² There are also claims that the restraining order was sought to silence Obasanjo's criticism of Jonathan in the run-up to the 2015 elections.

President Jonathans' Candidate Eligibility Court Case. The court case challenging the legitimacy of President Goodluck Jonathan running for office in 2015 remain pending in the Federal High Court in Abuja and an application to transfer the suit to the Court of Appeal will be heard on 12 January 2015. The plaintiffs are seeking the court "to determine whether by the combined effect of section 135(2) (a) and (b) of the Nigerian Constitution, a person sworn into office of the President of the Federal Republic of Nigeria on two previous terms is deemed to have been elected to that office at two previous elections."³³ This high-profile case presents a serious legal challenge as political pressure for non-intervention may influence the capacity of the courts to decide a major constitutional question.

²⁹ See *All Africa* set of collected articles related to DSS raid on APC offices. Online. <<http://allafrica.com/view/group/main/main/id/00034125.html>>.

³⁰ *Premium Times*. "SSS Raids APC Office Again, Party Says" (2 Dec 2014). Online. <<http://www.premiumtimesng.com/news/top-news/172232-sss-raids-apc-office-party-says.html>>.

³¹ *Premium Times*. "Court finds Obasanjo guilty of contempt over book launch; to rule on punishment in 21 days" (10 Dec 2014). Online. <<http://www.premiumtimesng.com/news/headlines/172948-court-finds-obasanjo-guilty-of-contempt-over-book-launch-to-rule-on-punishment-in-21-days.html>>.

³² *Premium Times*. "Obasanjo's Autobiography: Group Condemns Court Order" (12 Dec 2014). Online. <<http://www.premiumtimesng.com/news/more-news/173182-obasanjos-autobiography-group-condemns-court-order.html>>.

³³ *Nigerian Tribune*. "Jonathan's Eligibility: FG Opposes Request for Case Transfer Appeal Court" (12 Dec 2014). Online. <<http://www.tribune.com.ng/news/news-headlines/item/24289-jonathan-s-eligibility-fg-opposes>>.

request-for-case-transfer-to-appeal-court/24289-jonathan-s-eligibility-fg-opposes-request-for-case-transfer-to-appeal-court>.

D. ELECTORAL MANAGEMENT AND ADMINISTRATION

1. Electoral Structure and Administration

The following section provides an overview of the Independent National Electoral Commission (INEC), its structure and key functions, as well as performance and perceptions. It reports on current activities, such as creation of additional polling units, the continuous voter registration exercise and distribution of permanent voter cards analysing the nationwide challenges encountered during both exercise. Electoral preparations, possible logistical difficulties and the insufficient civic and voter education are also analysed.

Structure and Key Functions of the Election Administration. The Independent National Electoral Commission (INEC) was established in accordance with section 153(f) of the Constitution of the Federal Republic of Nigeria. It has the principal function to organize, undertake and supervise all election to the office of the President and Vice-President, the Governor and Deputy Governor of a State, and to the membership of the Senate, the House of Representatives and the House of Assembly of each State of the Federation. INEC is further mandated to register political parties and candidates, to monitor the organization and operation of the political parties, including party expenditures, and to audit accounts of political parties. It is also responsible for registration of voters, monitoring of political campaign, demarcation of constituency boundaries, and the enactment of bylaws and guidelines to regulate all matters that fall within its sphere of competence. Section 3 of the Electoral Act 2010 provides for the creation of the Independent National Electoral Commission Fund for INEC to carry out its functions and purposes.

The current INEC which was constituted in June 2010 is a permanent body composed of 12 National Electoral Commissioners, two from each of the six geopolitical zones of the country, and headed by a Chairperson who is the Chief Electoral Commissioner with a term of five years from the date of their appointment. The current Chairperson, Professor Attahiru Muhammadu Jega and the 12 National Commissioners constitute the decision/policy-making body of the Commission. The INEC Chairperson and all Electoral Commissioners are directly appointed by the President after consultation with the Council of State and are subject to confirmation by the Senate.

INEC has a three-tier office structure. Permanent offices of INEC are established in all 36 states and the FCT in addition to the INEC national office in Abuja. State-based offices are managed by Resident Electoral Commissioners (RECs) who are assisted by Administrative Secretaries. RECs are directly appointed by the President, but subject to Senate approval, for a period of five years. At the lower level are INEC offices at 774 Local Government Area (LGA) nationwide managed by an Electoral Officer and an Assistant Electoral Officer directly responsible to the State REC.

INEC Performance and Perceptions of Main Stakeholders. Following the 2011 elections, INEC put into place a number of activities, programmes and initiatives, many of which arose from the recommendations of the Commission's Registration and Election Review Committee (RERC) set up by the Chairman to improve its performance in the 2015 elections. The main achievements include: a Strategic Plan covering the period 2012-2016; creation of an Election Management System (EMS); launch of Election Project Plan (EPP); and deployment of an Election Risk Management Tool (ERMT). Additional activities include establishing a Graphic Designs Centre; strengthening of The Electoral Institute; and establishing the INEC Citizen Contact Centre (ICCC), National Interagency Committee on Voter Education (NICVEP), and Inter-Agency Consultative Committee on Election Security (ICCES).

INEC has also identified seven Principal Business Areas (PBAs) to improve the planning and conduct of the 2015 general elections. These include: election-day logistics, election staff management, political party and candidate management, election day training, election-day procurement,

continuous voter registration, and election-day support.

There is a general perception of confidence amongst key stakeholders in the integrity of INEC's Chairperson, Professor Jega. However, recent controversy associated with the creation of 30,000 additional polling units and the logistical challenges of the conduct of continuous voter registration (CVR) and distribution of permanent voter cards (PVCs) have diminished this perception. Also, the unresolved voting status of IDPs in the North-East and slow pace of civic and voter education have led many to question INEC's capacity to conduct general elections on time.

Despite early identification of weaknesses and lessons learned from the 2011 elections, some of the crucial tasks for the 2015 elections are yet to be dealt with by December 2014. This not only poses a potential threat to INEC's capacity to comply with the electoral calendar, but also could lessen the confidence of political parties in INEC in an already politically charged environment.

INEC recognizes the magnitude of the challenges it faces and the need to clearly set priorities. Stakeholders indicate that communications between different levels of INEC administration can be improved and further decentralization is needed to facilitate more efficient decision-making. Perceptions of INEC at the state level and confidence in the impartiality of RECs vary across the country. The RECs' personal performances and past handling of electoral processes seem to be one of the key factors determining the level of trust by the electorate.

Creation of Additional Polling Units (PUs). In an attempt to address the population growth and demographic changes since 1996, when the present structure of PUs was created, and to improve the ease the access of voters to the ballot box, INEC envisaged the creation of additional PUs ahead of the 2015 elections. Using the 2011 post-AFIS (Automated Finger-print Identification Software) voters' register figure of about 70,383,427 and based on a figure of 500 voters per PU, INEC estimated that it was necessary to increase the number from 119,973 to at least 140,000. In doing this, the Commission also took into consideration PUs in remote areas and difficult terrains, as well as those with less than 500 registered voters, and the number of new registrants since 2011.³⁴ Following the above criteria, an additional 30,027 PUs were created with 71 percent and 29 percent allocated to states in the Northern and Southern part of the country respectively. This was immediately perceived by critics as disproportionately favouring the Northern states.

Taking into consideration the concerns expressed by various stakeholders and the time constraints, INEC decided on 11 November 2014 to suspend the exercise until after the 2015 general elections. Instead, "Voting Points"³⁵ will be created in overcrowded PUs to facilitate the flow of voters and speed up the exercise as was the case in 2011. INEC also decided to relocate existing PUs from unsuitable locations and ensure that PUs are located in enclosures such as classrooms, rather than in open spaces, where possible.

2. Continuous Voter Registration and Distribution of Permanent Voter Cards (PVCs)

The Right to Vote and Voter Registration Procedures. According to the Electoral Act Part III 9 (1), the Commission shall compile, maintain and update, on a continuous basis, a National Register of Voters. The registration of voters, updating and revision of the register shall stop 30 days before

³⁴ For further distribution criteria, see INEC Chair's Press Conference on PUs: "Why and How INEC is Creating New Polling Units", (10 Sep 2014). <<http://www.inecnigeria.org/?inecnews=chairs-press-conference-on-pus>>.

³⁵ Since in 2011 some PUs registered as many as 4,400 voters, INEC introduced the concept of Voting Points to facilitate the flow of voters and crowd management. PUs with large numbers of voters are sub-divided into multiples of manageable numbers, Voting Points, of about 300, with a maximum of 450 registered voters. Their creation elicited suspicion among political parties, with some of them accusing INEC of secretly creating additional PUs and demanding they be allowed to have polling agents at every Voting Point.

elections. It also stipulated that there shall be continuous voter registration and every citizen eligible to vote has to actively register in person at an INEC designated registration centre by presenting any document that proves the identity, age and nationality of the applicant.

Eligibility criteria for registration include: being a citizen of Nigeria of at least 18 years of age; and ordinarily resident, working in and originating from a Local Government Area Council or Ward covered by the registration centre. The voter cannot be subject to any legal incapacity to vote under a law, rule or regulation in force in Nigeria. Double registration and the holding of more than one valid voters card is an electoral offence liable to conviction, the payment of a fine or imprisonment. A person may be issued with a duplicate voter card in case of loss, destruction, defacement, or damage not later than 30 days before election. A replacement card is clearly marked with the word 'duplicate' and showing the date of issue.

A person residing in a constituency other than the one in which s/he was registered may request that her/his name be entered on the transferred voters' list for the constituency by the REC. The application for transfer shall be accompanied by the applicant's voter's card not less than 30 days before election. Once approved by the REC, the voter will be assigned to a new polling unit and issued with a new voter card.

A copy of the voters' register shall be displayed for public scrutiny for a period of five to 14 days. Any objection or complaint in relation to the names omitted or included in the voters' register or in relation to any necessary correction shall be raised or filed during this period.

2014 CVR and Distribution of PVCs. Ahead of the 2011 general elections, INEC adopted a decision to conduct a fresh biometric voter registration system in order to prevent malpractice and thus increase the confidence of all stakeholders in the electoral process. A total of 73,528,040 eligible Nigerians issued with Temporary Voter Cards (TVCs) were registered by the end of the exercise. Post 2011, the data gathered in the field was subjected to Automated Finger-print Identification Software (AFIS) to detect and eliminate duplicate registrants, reducing the number of registered voters to 70,383,427.

Ahead of 2015 elections, INEC decided to replace TVCs with PVCs for voters whose biometric data were captured during the general registration in 2011. The biometric data includes the record of at least two fingerprints from each hand, so that the card can be read electronically with card readers to be deployed for the 2015 elections. Although the general requirement for the 2011 registration was to capture all 10 fingerprints, technical challenges with data capturing machines resulted in cases whereby fewer than 10 fingerprints of some voters were actually captured. The contract to produce PVCs was awarded to ACT Technologies Nigeria Limited, in technical partnership with Emperor Technologies, Shenzhen, China at the cost of N65 per card.

The CVR is meant for persons who either turned 18 since the 2011 voter registration exercise, or who were 18 years at that time but did not register, or for persons who registered in 2011, but whose data were not adequately captured and for whom PVCs have not been produced. CVR is not meant for voters who either wish to vote in other areas than where they registered or who lost their TVC.

INEC placed orders for about 177,000 smart card readers (one per PU plus reserve for bigger PUs with several voting points) of which about 120,000 had been delivered as of November 2014. These card readers with integrated software are meant to verify the authenticity of each voter to prevent misuse of PVCs on Election Day. The card readers are yet to be tested, though a pilot testing exercise is envisaged by INEC prior to the elections.

The CVR exercise and PVC distribution were conducted in staggered phases. While PVCs were distributed at the PU level, the CVR exercise was conducted at the Registration Area Centre or Ward

level. At the end of the exercise, uncollected cards would be taken to the respective local government offices from where the owners can collect them until the end of January 2015.

Logistical challenges, non-availability of PVCs and late arrival of material forced INEC to reschedule the exercise several times.³⁶ The main reason for the delay, according to INEC, was the inadequacy of physical storage space for INEC's Direct Data Capture machines, which resulted in damage to some of the machines and their late deployment for the CVR exercise. Duly registered voters whose PVCs are not printed due to data loss or defective data, could have their data recaptured during the CVR. According to the most recent schedule, the CVR will be finalized by 22 December 2014 in the last states—Borno and Niger. The electoral law sets the date for the publication of the final register 30 days before the elections, which is 13 January 2015. It remains to be seen whether the timeframe of three weeks is sufficient to finalize the voter register.

Most stakeholders, including INEC, have felt that the CVR exercise and PVC distribution did not live up to the expectations of the electorate. Logistical challenges range from limited time, absent or late arrival of INEC officials and poor performance, incomplete production of PVCs, omission of names on the voter register, inadequate or malfunctioning direct data capture machines, lack of generators/external power sources to charge computer batteries, and the tedious nature of the exercise. While the exercise reportedly was conducted peacefully and went fairly well in some states—such as Jigawa, Osun, Bauchi, Cross River and Delta, it was marred by complaints in other states—such as Kano, Lagos and Rivers—where the exercise received complaints of lack of coordination, inadequate security, overcrowding and disruptions.

The perceived geographic disparities in the distribution of PVCs were used by political parties to question the impartiality of INEC. At this stage, it is open for discussion whether the challenges with electoral preparations could be attributed to INEC's institutional capacity or to other reasons. Professional INEC behaviour is important to avoid any suspicion by all parties and their supporters that its personnel are not compromised in the forthcoming elections.

The biggest challenge with PVC distribution is being faced in the North-East where hundreds of thousands of voters in areas threatened by or under the control of Boko Haram insurgents could be cut off from the electoral process. Unless security conditions enable INEC to distribute PVCs, the credibility of the whole electoral process may be jeopardized.

As of mid-December 2014, 57 percent of PVCs were collected by duly registered voters during Phase I and 67 percent during Phase II. The figures for Phase III are not yet available as the exercise is still ongoing. The approximate average of 40 percent of uncollected cards from phase I and II, which translates to approximately 28 million voters, is worrisome. Given the fact, that Phase III comprises some of the most populous states, including Lagos, Kano, and Kaduna, an effective public communication strategy by INEC to promote the PVC distribution is crucial. Failure to explain plans for distribution of PVCs could cause disappointment and frustration among stakeholders and voters.

Preliminary statistical observations reveal that 75 percent of PVCs were collected by the electorate in the Northern states, and approximately 56 percent in the Southern states. Additionally, there was a substantial drop in the number of registered voters, according to the post-AFIS voter register figure in some states, such as Oyo, Lagos,³⁷ Sokoto, or Zamfara. Although the total number of registered voters

³⁶ See Table II for a detailed overview.

³⁷ In Lagos, for example, the number of registered voters decreased from around 6 million in 2011 to 4.6 million in 2014. INEC rejected all allegations of removing the records of 1.4 million voters from the register. According to INEC, the 2011 registration data was subjected to the Automated Fingerprints Identification System (AFIS) software, which eliminated 82,892 multiple registrations. In addition, there were technical challenges of data

decreased in all states after the de-duplication process, the decrease in number of voters is on average much lower in some states.³⁸

The continuous voter registration (CVR) and distribution of permanent voter cards (PVCs) did not live-up to the expectations of the electorate. The perceived geographic disparities in the distribution of PVCs were used by political parties to question the impartiality of INEC. At this stage, it is open for discussion whether the challenges with electoral preparations could be attributed to INEC's institutional capacity or to other reasons.

3. Electoral Preparations

The overall budget for the 2015 elections is approximately 102 billion Naira, out of which about 68 percent has been reportedly released by the government. Although this budget is estimated by INEC to be sufficient to successfully conduct the February 2015 elections, INEC has cautioned that it would not cover the cost of a run-off presidential election.

Current INEC activities include monitoring party primaries for the State Assembly and gubernatorial seats, recruitment of ad-hoc staff (i.e., returning and presiding officers) and processing applications for accrediting domestic observer groups for the elections. Cascade training of electoral officials, including about 450,000 ad hoc staff, recruited mostly from national youth corps members, will take place three to four weeks before the elections. Ballot papers designed locally by the recently created INEC Graphic Designs Centre will be printed abroad.

In promoting credible and peaceful elections in the run up to the 2015 general elections, INEC has initiated a series of meetings with relevant stakeholders, including political parties, security agencies, civil society organizations, media and others. Nevertheless, there are a number of logistical challenges to be addressed. They include the timely procurement and deployment of all materials, particularly ballot papers, as the period between the close of nominations, withdrawal and substitution of candidates, and conduct of the polls is 45 days.³⁹ According to INEC, this timeline is tight as the production of sensitive materials, such as ballot papers, can only start after any issues that may arise from withdrawal and substitution of candidates are resolved. The lack of adequate storage facilities at the central, zonal, state, and LGA levels is another issue. To ensure secure and adequate storage of materials and their timely delivery, there is a need for more breaking bulk points (distribution centres) across the country. Additional concern with respect to deployment of material is that INEC does not have sufficient means of transportation (vehicles, boats, motor bikes) at its disposal. It is thus essential to develop an adequate contingency plan well ahead of the Election Day to address the status of logistical preparations in order to resolve all potential obstacles.

4. Civic and Voter Education (CVE)

According to the Electoral Act 2010, as amended, the primary responsibility to conduct civic and voter education and promote knowledge of sound democratic election processes lies with INEC. Ahead of the 2015 general elections, INEC has developed a voter education strategy and set up the National Inter-agency Advisory Committee on Voter Education and Publicity⁴⁰ (NICVEP) both at the national

loss and incomplete data affecting about one million records, mostly in 1,792 polling units. Also in Sokoto and Zamfara, the difference is around one million voters per state.

³⁸ Please see Table I for detailed figures made available by INEC.

³⁹ Electoral Act 2010 (As Amended), Sec. 35.

⁴⁰ The committee comprises members from 15 agencies: INEC, National Orientation Agency, Federal Ministries of Information, Education, Youth and Sport, Women Affairs and Social Development, Communication and National Broadcasting Commission, News Agency of Nigeria, Nigeria Communication Commission, Nigerian Television Authority, Federal Radio Corporation of Nigeria, Nigerian Guild of Editors, Nigeria Labour Congress and the

and state levels, to facilitate planning and coordination of voter education activities. The voter education programmes are funded from a combination of sources including from INEC's own budget, as well as with funds from the Joint Donor Basket Fund with contributions from European Union, UKAID, Canadian Department of Foreign Affairs and International Trade, and UNDP, as well as from other donor agencies, such as USAID.

INEC plans to undertake a range of voter education activities (i.e., live dramas, public enlightenment tours, engagements with community-based organizations, traditional rulers and opinion leaders, etc.) and will produce a wide range of resource materials such as pamphlets, leaflets, handbills, posters, and banners, among others. In addition, a series of 10-minute movies for screening on TV and a series of 30- to 90-second radio and television jingles are planned. Further initiatives to actively engage voters and to fight voter apathy include the creation of the INEC Citizen Contact Centre (ICCC), use of social media, INEC web site and SMS messaging. The ICCC is designed as a modified Situation Room for continuous exchange of information with voters and it will operate on a 24-hour per day schedule during elections.

INEC sees its role as one of coordination and guidance to ensure the delivery of consistent messages, accurate content and reduction of duplication. To conduct face-to-face activities at the LGA level, INEC entirely depends on support and involvement of other stakeholders, in particular, civil society organizations and the National Orientation Agency (NOA). The most common activities are community rallies followed by group discussions in each LGA. The particular target groups are youths (including first-time voters), women and persons with disabilities.

The funding for the civil society organizations to conduct their activities on the ground is yet to be released, and they may not embark on any activity until late January 2015. Although INEC is planning a lot of media advertising, the face-to-face activities are important considering the size of the population. Examples of challenges with respect to civic and voter education include: use of several local languages, voter apathy, insufficient information for voters, the security situation in the North-East, and the short time before elections. A further challenge is that the media space may become more expensive and occupied by the political campaigns.

Table I: PVC Distribution: Phase I and Phase II

STATE	2011 Register	Existing Registered Voters Post-AFIS	CVR Figures	% of CVR to Registered Voters	No of PVCs Printed	% of PVC Distributed
PHASE I						
ABIA	1,536,264	1,252,085	136,156	10.87	1,252,085	30.1
AKWA-IBOM	1,656,595	1,443,227	173,533	12.02	1,443,227	60.0
BAYELSA	640,372	503,837	117,701	23.36	503,837	67.0
BENUE	2,379,890	1,657,266	388,476	23.44	1,657,266	44.0

STATE	2011 Register	Existing Registered Voters Post-AFIS	CVR Figures	% of CVR to Registered Voters	No of PVCs Printed	% of PVC Distributed
ENUGU	1,374,583	1,005,585	411,854	40.96	1,005,585	45.0
GOMBE	1,315,860	988,043	176,764	17.89	988,043	77.0
KEBBI	1,473,403	1,306,405	186,379	14.27	1,306,405	60.3
KOGI	1,358,049	1,234,072	102,504	8.31	1,234,072	57.0
TARABA	1,357,551	1,184,950	83,394	7.04	1,184,950	64.0
ZAMFARA	2,045,131	1,130,245	433,452	38.35	1,130,245	70.0
TOTAL		11,705,715	2,210,213	18.88	11,705,715	57.1
PHASE II						
ANAMBRA	1,811,548	1,715,291	269,601	15.7	1,715,291	48.6
BAUCHI	2,551,430	1,848,330	238,983	12.9	1,848,330	83.85
CROSS RIVER	1,262,374	1,071,872	124,739	11.6	1,071,872	69.0
DELTA	2,151,727	1,920,635	499,543	26	1,920,635	59.6
EBONYI	1,072,851	957,821	173,975	18.2	957,821	72.0
FCT	876,959	836,453	49,080	5.9	836,453	44.4
JIGAWA	1,956,365	1,540,258	340,552	22.1	1,540,258	87.4
KWARA	1,167,850	1,036,630	169,741	16.4	1,036,630	59.9
ONDO	1,635,004	1,343,321	207,283	15.4	1,343,321	65.4
OYO	2,725,365	2,004,045	343,832	17.2	2,004,045	54.2
SOKOTO	2,458,839	1,426,261	295,967	20.8	1,426,261	88.9
YOBE	1,383,240	1,040,297	67,702	6.5	1,040,297	80.4
TOTAL		16,741,214	2,780,998	16.6	16,741,214	67.8

Table II: Distribution Dates for PVC and Conducting CVR

	PVC Distribution at Polling Units	CVR Exercise at Wards	Status
EKITI OSUN (ahead of gubernatorial)	7-9 March 2014	12-17 March 2014	CVR Completed PVC ongoing at the Local Government Office
Phase I (10 states) ABIA AKWA IBOM BAYELSA BENUE ENUGU GOMBE KEBBI KOGI TARABA ZAMFARA	23-25 May	28 May-1 June extended to 3 June	CVR Completed PVC ongoing at the Local Government Office
Phase II (12 states) ANAMBRA BAUCHI CROSS RIVER DELTA EBONYI FCT JIGAWA KWARA ONDO OYO SOKOTO	Rescheduled from 18-20 July => 15-17 August	Rescheduled from 23-27 July => 20-25 August plus one week extension 22-28 September	CVR Completed PVC ongoing at the Local Government Office

	PVC Distribution at Polling Units	CVR Exercise at Wards	Status
YOBE			
Phase III (13 states)			
EDO			
IMO			
KANO	7-9 November	12-19 November	CVR Completed
PLATEAU		(extended by 2days)	
OGUN			
ADAMAWA	7-9 November	12-17 November	
LAGOS (9 LGAs)	7-10 November	12-19 November	PVC ongoing at the Local Government Office
NASARAWA	28-30 November	3-8 December	
RIVERS			
LAGOS (11 LGAs)			
KADUNA	6-8 December	10-15 December	CVR and PVC ongoing
KATSINA			
BORNO	12-14 December	17-22 December	CVR and PVC ongoing
NIGER			

E. HUMAN RIGHTS AND SOCIAL ACTORS

This section identifies the key human rights relevant to the electoral process and examines the viability of these rights within the current Nigerian context with respect to various social actors.

1. Human Rights

Under the Universal Declaration of Human Rights (UDHR), the authority of government derives from the will of the people expressed through secret ballot in genuine elections (UDHR, Art. 21). Other electoral rights ensure the legitimacy of the expression of the people’s will and the integrity of government authority. These attendant rights are defined under UDHR, the International Covenant on Civil and Political Rights⁴¹ (ICCPR)—including General Comment (GC) 25, the Constitution of Nigeria, and the Electoral Act of 2010.

The political and electoral rights⁴² provided under these international and national mechanisms can be organized loosely under the “Right to Participate in Government” and the “Right and Opportunity to Vote.” Some of the key provisions relating to these rights under international and national mechanisms—though not exhaustive—are shown in the following table:

	International		National	
	UDHR*	ICCPR**	Constitution	Electoral Act
Right to Participate in Government				
Directly or Through Representatives	Art. 21	Art. 25	§14(2)(c)	
Genuine Elections	Art. 21	Art. 25	§ 172	§§ 28, 130(a-b)
Through CSOs/NGOs		Art. 22, GC 25(8)	§ 40	
Candidate for Elected Office		Art. 25	§§ 65, 106, 131, 177	§ 87
Right & Opportunity to Vote				
State Duty—Take to Effective Measures to Ensure Opportunity		GC 25(11)		
Voter Registration		GC 25(11)		§§ 13
Accessibility (disability, literacy, language, poverty, movement)		GC 25 (10, 12)		§§ 42, 56(1), 57, 58,

⁴¹ Nigeria became party to the ICCPR by accession on 29 Jul 1993. (UN Treaties Collection, <https://treaties.un.org>)

⁴² A full treatise of the political and electoral rights provided under these international and national mechanisms is beyond the scope of this document; however, some of the key rights are discussed below.

	International		National	
	UDHR*	ICCPR**	Constitution	Electoral Act
No intimidation or coercion		Art. 20 GC 25(11)	§ 227	§§ 61, 95(5), 96, 102, 128, 129, 131
Free/Informed Choice	Art. 19	Art. 19 GC 25 (11)	§ 39	§§ 100(2-3), 131
Secret Balloting	Art. 21	Art. 25		§§ 52, 125
*Universal Declaration of Human Rights				
**International Covenant on Civil and Political Rights, including General Comment (GC) 25				

2. Social Actors

Nigeria has a history of robust social activism, going back to the struggle for independence, the protests against successive military regimes, and the successful struggle for ending military rule in May 1999. While various social actors continue to advocate for human rights, not all human rights have been equally secured (e.g., the right of women to participate), and not all states equally protect the same rights (e.g., electoral violence is more prevalent in some states).

This section examines the electoral participation of social actors—including civil society, media, voters, and marginalized groups.

Civil Society. Both international and national mechanisms protect the rights of citizens to participate in government through associations with others, including civil society organizations (CSOs), religious associations, and professional and trade associations. Of particular relevance are the rights to observe the electoral process and be informed on political and electoral matters. The proscription against social actors communicating divisive messages based on ethnic, religious, and geography is also relevant.

The independence and vibrancy of CSOs vary greatly from state to state. In some states—such as Rivers, Kano, and Lagos—civil society is considered vibrant and relatively independent. In other states—such as Abia, Kwara, and Delta—civil society is somewhat ineffective and dependent on government support. Some CSOs may also be seen as reflecting ethnic and political interests. National organizations with local chapters generally are more active, effective, and non-partisan than are local organizations.

Religious organizations—both Christian and Muslim—play important roles in conflict prevention, election observation, and civic and voter education. In some instances, religious associations may play a negative role by injecting religious considerations into electoral matters.

The following large-scale civil society projects related to the electoral process are particularly noteworthy:

- ◆ The Yar A'dua Centre is supporting a coalition of CSOs to carry out a crowd-sourced observation project with the goal of providing real-time election data to key civil society and

media stakeholders. The coalition will rely upon verified volunteer observers to submit data from polling units across the Federation.

- ◆ A CSO partnership led by the Transition Monitoring Group (TMG) will conduct a “Quick Count” election observation that uses reports from representative polling units to make statistically relevant assessments of the electoral process across the Federation. TMG also plans to conduct a traditional election observation activity across the Federation using its coalition of 400 member CSOs within all 36 states and Abuja.
- ◆ The MacArthur Foundation is supporting a wide range of CSOs actively engaged in programming related to the electoral process. The supported CSOs have a national or regional presence.
- ◆ The Federation of Muslim Women’s Associations of Nigeria (FOMWAN) will carry out civic and voter education (CVE) programs across the Federation. The CVE activities will be carried out by FOMWAN member associations and will focus on CVE directed at all voters within a community, not just women.
- ◆ The Policy and Legal Advocacy Centre (PLAC) will set up a “Situation Room” supported by a broad coalition of CSOs to monitor Election Day events and issue relevant statements.

The CSOs mentioned above are only a few of the many CSOs operating across the Federation, at both national and state levels. As the elections draw nearer, CSOs will begin to implement a range community-based and media CVE programs.

Media. Having access to relevant information is a prerequisite to voters exercising their right to make informed choices through genuine elections. Nigerian media are comprised of newsprint, radio, television, and online/social media. Media ownership is vested in both public and private entities. Radio is the most widely accessible and influential media, especially in rural areas. Television broadcasts also reach broad segments of communities, while newsprint reaches more of the urban readers.

Media are perceived by some as being biased, depending on ownership. Publicly owned media are perceived to favour the respective ruling parties, while private media are generally more balanced between parties. Some parties reach citizens directly by using digital and social media, which continues to grow in scope and importance.

Broadcasting in local languages can greatly increase the effectiveness of CVE campaigns. Hausa radio broadcasts across the North are popular among citizens. Other states also broadcast in various local languages to ensure the greatest possible access to information.

Voters. While voters are entitled to protection of all their electoral rights under international and national mechanisms, the pre-election period to the 2015 elections has raised particular concerns regarding the right to participate in elections and the right to be free of electoral intimidation and inducements:

- ◆ *Participation in Elections.* Many stakeholder have expressed concern regarding the potential disenfranchisement of are the voters who are presently also internally displaced persons (IDPs). This is particularly a challenge within the states of Borno, Yobe, and Adamawa, where approximately 700,000 or more people have been displaced from their homes by the Boko

Haram insurgency.⁴³ It is estimated that only 10 percent of the IDPs are presently residing in camps, while the remainder are scattered in host communities across the country. The legal framework does not enable voters to vote in an LGA other than where they are registered, unless they apply for a transfer of registration, which is not feasible under present circumstances. Other voters remain in their homes within the areas affected by the insurgency. If the security environment will not permit the conduct of elections within those areas, these voters are also at risk of disenfranchisement.

There are also IDPs in other states resulting from both communal conflicts—particularly in Taraba, Plateau, and Nasarawa States—and from the 2012 flooding, especially in Kogi and other states downstream. The estimated number of IDPs across the Federation could exceed 2.5 million people,⁴⁴ not to speak of those who have become refugees in neighbouring countries of Chad and Cameroun.

- ◆ *Electoral Intimidation and Inducements.* Following the 2011 presidential election, electoral violence erupted in some states. Observers express concern that electoral violence may again occur again in 2015. Voters have also been intimidated by youths enlisted to ensure support for particular candidates. In some many instances, voters have perceived security forces as favouring the ruling party rather than protecting them against such intimidation. Stakeholders have also claimed that political parties and candidates also offer inducements to voters to gain political support.

Marginalized Groups. Some social groups within Nigeria—including women, youths, and persons with disabilities (PWDs)—encounter cultural, economic, and political barriers to participating in political and electoral processes:

- ◆ *Women.* The cultural context within Nigeria sometimes poses significant barriers to women’s participation both as voters and candidates, as women may be expected to concentrate their time and attention to household matters rather than becoming involved in civic and political matters. Women also face insurmountable financial obstacles, as they may lack independent means to effectively engage in political and electoral activities, despite reduced fees for political party nominating papers. Notwithstanding the National Gender Policy that promotes a 35 percent benchmark for women’s participation in elective and appointive offices, women still encounter substantial informal barriers in collecting nomination forms and in winning the nomination, a situation made worse by the prohibition of independent candidacies.
- ◆ *Youths and PWDs.* Youths (under age 35) and PWDs face cultural and economic barriers to full participation in the political process, particularly as aspirants for political office. Youths are often advised to “wait their turn” in deference to older aspirants, while PWDs often encounter stigmas for being less “capable” to hold elective office. Both youths and PWDs may lack the financial resources required to contest. Additionally, PWDs may encounter impediments to voting on Election Day, as the polling units are often inaccessible and the policies for receiving accommodation, when voting is not always observed. While there are some elected officials with disabilities (e.g., Jigawa House of Assembly Member Adamu Shu’aibu), the general

⁴³ The United Nations (UN) reports no fewer than 700,000 IDPs from the Northeast, while the Internal Displacement Monitoring Centre (IDMC) places that number as high as 1.5 million. See, *Nigerian Tribune*.

“Insurgency has displaced 700,000 people in Nigeria—UN” (16 Dec 2014). Online. <<http://www.tribune.com.ng/news/news-headlines/item/24283-insurgency-has-displaced-700-000-people-in-nigeria-un>>.

⁴⁴ IDMC. “Nigeria: Multiple Displacement Crises Overshadowed by Boko Haram”, Norwegian Refugee Council (9 Dec 2014).

political disaffection among PWDs was highlighted in two recent protests in Ondo and Bayelsa States. In Ondo, members of the *Joint National Association of Persons Living with Disabilities* protested against the lack of access to government services and social acceptance.⁴⁵ In Bayelsa, members of the *Association of Persons with Disabilities* protested against alleged diversions of economic development resources from intended recipients.⁴⁶

⁴⁵ *Daily Post*. "Disabled People Protest, Boo Mimiko's Aide in Ondo" (4 Dec 2014). Online. <<http://dailypost.ng/2014/12/04/disable-people-protest-boo-mimikos-aide-ondo/>>.

⁴⁶ *Leadership*. "Disabled-persons Protest Alleged Diversion of MDGs Commodities in Bayelsa" (16 Nov 2014). Online. <<http://leadership.ng/news/390571/disabled-persons-protest-alleged-diversion-mdgs-commodities-bayelsa>>.

19 December 2014

I. DGD II: ELECTION CONTEXTUAL ANALYSIS PROJECT

**FIRST NATIONAL POLITICAL DEVELOPMENT REPORT:
SUPPLEMENTAL PRELIMINARY RISK REVIEW OF
NIGERIAN ELECTORAL CONTEXT**

INTRODUCTION

The DGD II Election Contextual Analysis (ECA) Project prepared a preliminary risk review of the political and electoral setting in Nigeria on 12 December 2014. The first National Political Development Report (NPDR) was based on the analysis of national and state researchers, stakeholder interviews, and other formal and informal information sources. The NPDR update contains current developments following the conclusion of political party primaries on 11 December, as well as INEC preparations as of 18 December 2014 towards the February 2015 general elections.

The DGD-ECA thematic analysis team evaluated updated reports from 19 states and national experts deployed by the Nigerian Institute for Social and Economic Research (NISER), Ibadan. Additional information was received from national and state political party officials and the national and states offices of the Independent National Electoral Commission (INEC). International delegations and democracy and governance organizations were also consulted. Interviews with local civil society organizations (CSOs) and media outlets further informed the report.

The current data supplements the preliminary report on political and electoral dynamics in the 19 states selected by DGD II from Nigeria's six geopolitical zones. The contextualized updates are based on the five thematic areas guiding the DGD-ECA project: 1) political landscape, 2) security setting, 3) constitutional and legal framework, 4) electoral management and administration, and 5) human rights and social actors.

THEMATIC ANALYSIS

A. POLITICAL LANDSCAPE

The two largest political parties—Peoples Democratic Party (PDP) and All Progressives Congress (APC)—conducted their primaries at the state and national levels in December, as required under Section 87 of the Electoral Act 2010 (as amended). The parties used the presidential primaries to attract further support by demonstrating their national presence and capacity to win elections. Primaries organized at state levels generally showed a lower degree of internal democracy than at the national level, with many claims of manipulated procedures and other irregularities.

1. Presidential Primaries and Candidates

PDP organized a two-day convention, instead of a primary, to endorse its presidential aspirant. President Goodluck Jonathan was presented as a "consensus candidate" supported by PDP delegates from across the country. This was the finishing touch to the massive media campaign by supporters of the President portraying him as the candidate "demanded" by the people of Nigeria. The form with which the national convention was organized may have also been intended to conceal serious internal fractures within PDP that may result to defections from the party to other parties.

The APC succeeded in conducting a competitive primary that was generally viewed as transparent and democratic. Allowing the aspirants to compete freely for party nomination apparently reduced the

risk of defection of any of the major *power brokers*. The unsuccessful aspirants⁴⁷ honoured their pre-primary commitment to maintain party unity and endorsed the nomination of Muhammadu Buhari as the presidential candidate.

The presidential competition will centre on two leading candidates: Goodluck Jonathan (PDP) and Muhammadu Buhari (APC) although some smaller parties have also selected and announced their presidential candidates, except the All Progressives Grand Alliance (APGA) which adopted President Jonathan.⁴⁸

President Jonathan starts the campaign with incumbency advantages. These include enormous financial resources (state and private), assumed support of PDP elected officials countrywide, and the support of certain business interests. However, he has been criticized for his record, even from within his own party. Some feel that as the Commander in Chief of the Nigerian Armed Forces, he has not done enough to deal with the Boko Haram insurgency and address the increasingly deteriorating security situation across the country. In addition, there is wide perception of widespread corruption in government, which the President has not taken sufficient actions to contain. There are also insinuations that the President is more attuned to the South-south and South-east geopolitical zones to the detriment of other zones in making key appointments.

The nomination of the incumbent Vice-President Namadi Sambo as running mate to the President for his second term ended speculations about the fate of the Vice President. Prior to the nomination, there were rumours that PDP was seeking a replacement for Sambo, referring to his poor political clout in his state of Kaduna in particular and across northern Nigeria in general.⁴⁹ This re-nomination demonstrated that although Sambo may not be a strong electoral asset for President Jonathan, PDP preferred to convey a message of continuity. Vice-President Sambo's nomination also avoided a potentially controversial race for the vice-presidential ticket that may have resulted in additional internal party tensions.

The APC candidate, former-General Muhammadu Buhari, is perceived by some as having made efforts to combat corruption and ensure national security during his two years as a military head of state from 1983 to 1985. He is also seen as a politician without significant financial means, which may reflect personal integrity, but may also be an impediment to funding his campaign. At 72, his health status is of some concern, with certain quarters worried about the possibility of a repeat of the experience of President Yar'Adua who died as a result of ill health two years into his four-year term. Buhari is generally considered as a conservative Muslim and has been criticized for not adequately condemning the 2011 post-election violence.

The nomination of former-Lagos Attorney General, Yemi Osinbajo, as the APC vice-presidential ticket ahead of prominent contenders, such as Lagos Governor Babatunde Raji Fashola and Kano Governor Rabiu Kwankwaso came as a relative surprise. The choice was probably to avoid a "Muslim-Muslim ticket" and a strategy to capitalize on the political support from the Southwest region who voted in strong support of Buhari's presidential nomination. Osinbajo's choice also eliminated two other popular governors from the South-south, Rivers Governor Chibuike Rotimi Amaechi and Edo Governor Adams Oshiomole that also matched the profile APC was seeking.

⁴⁷ The four unsuccessful aspirants were: Rabiu Kwankwaso, Abubakar Atiku, Sam Nda Isaiah, and Rochas Okorocho. They polled respectively: 974, 954, 624, and 10 votes. Muhammadu Buhari won the primary election with 3,430 votes. A total of 7,214 delegates were accredited to vote at the convention attended by the leaders of the opposition party and monitored by INEC.

⁴⁸ *Punch*. "Losses, gains trail Jonathan-APGA alliance" (14 Dec 2014). Online. <<http://www.punchng.com/politics/losses-gains-trail-jonathan-apga-alliance/>>.

⁴⁹ Namadi Sambo is from Kaduna State. PDP lost the last elections in Mr. Sambo's constituency.

The strength and weaknesses of the two main presidential candidates and the absence of any other national contenders might have mixed consequences on voter behaviour. A protest vote against Jonathan or Buhari might either mobilize more voter turnout or increase voter apathy among those who do not approve of either candidate. The result of the presidential election may have a domino effect on the gubernatorial and state assembly elections.

2. Lack of Internal Democracy in State Primaries

During state level primaries, the degree of internal democracy was considered by observers as relatively low. Although no uniform trend was discernible across all states, APC was generally seen to have largely followed required legal procedures and frameworks in comparison to other parties. Within PDP, the alleged unfairness of primary procedures engendered significant intra-party conflict and disunity. As a result, in states such as Ogun, Aiyemba, Enugu, and Kebbi, PDP is yet to confirm its gubernatorial candidates due to pending court challenges. The primaries were relatively calm but were marred by reported irregularities across all political parties.

Imposed Candidates. The most vocal complaints came from aspirants who claimed they were not heard or considered by their parties. They claimed that party *power brokers* decided nominations without sufficient negotiations, deals, or compromises with candidates or their supporters. In these instances, the primary elections were seen as pretence; “a negation of the rights of the contestants”⁵⁰ and were often met by massive walkouts or protests by aggrieved aspirants⁵¹. Imposition of candidates triggered more violence than any other irregularity in the primary process, as forcing unpopular candidates on the electorate was seen as an unfair procedure, triggering violent protests.

Consensus Candidates. In an attempt to avoid public intra-party confrontation, many nominations were decided by political leaders through internal negotiations instead of voting. In some instances, aspirants were considered and selected by party power brokers,⁵² and bargains, included possibility of appointive positions or monetary inducement was held out to other contending candidates. Politicians see negotiations resulting in consensus candidates as a more democratic decision-making process than candidate imposition because it involves more party members. The goal of adopting consensus candidates is to reach a satisfactory agreement that avoids party fractures. Though not all negotiations were successful and those dissatisfied with the results often accuse party leaders of imposing their favoured candidates and challenged the procedures in Court.

Choreographed and Altered Primaries. In some instances and in line with legal obligations, parties organized primary elections even when the party leaders had already anointed candidates. These primaries were seen as a pre-determined exercise, a ‘rubber stamp’ on the decision of party *power brokers*. In other instances—when *power brokers* were unable to impose a candidate or come to an agreement about a nomination—they attempted to manipulate party primary procedures, including inducing and intimidating party delegates.⁵³ Aspirants also complained that delegate lists were altered to favour certain nominees.⁵⁴ In Oyo, delegates from a Local Government Area (LGA) were reportedly denied access to the venue of the party primaries. In Anambra and Enugu, different factions within

⁵⁰ ECA national researcher report from Jigawa state.

⁵¹ Reportedly, PDP gubernatorial elections in Akwa Ibom, Anambra, Kwara, Lagos, Rivers, and Taraba were hindered by candidate imposition. There was also criticism about APC imposition of candidates in Katsina, Kwara, Lagos, Nasarawa, and Rivers.

⁵² ECA national researcher report that in Osun, both PDP and APC elected consensus candidates after screening all aspirants. No further primary elections were held.

⁵³ ECA national researcher report from Oyo state.

⁵⁴ ECA national researcher reports from Abia, Cross River, and Kwara states.

PDP held parallel primaries, while in Abia and Anambra, there were parallel primary elections for APGA. The legitimacy of these primaries has been challenged in the competent courts for adjudication.

There were also reports that delegates were kept incommunicado in hotels, intimidated, and not allowed to communicate with aspirants.⁵⁵ The PDP gubernatorial primaries in Taraba and Adamawa were shifted from the respective state capitals to Abuja. Some of the aspirants in both states complained about the “illegal primary election outside the approved constituencies”. There were also widespread reports of attempts to buy off delegates with money or promises.⁵⁶ Allegedly, in some cases, party officials attempted to falsify primary results.

The disregard for party primary procedures and attempts to ignore displeased aspirants provoked violence in some states, such as Lagos and Cross River. The inability of INEC to intervene in correcting evident and perceived cases of irregularities in the party primaries creates an environment of impunity for the political parties. The main incentive and constraint for parties to respect rules concerning party primaries is to increase public support. Political parties try to conceal disregard for internal rules by organizing choreographed primaries at national and state levels, in which delegates cast their ballots in front of television cameras.

Post-Primary Defections. Presently, there is only minor decamping from the major parties, as aggrieved aspirants are still trying to negotiate “relevance” inside their original parties.⁵⁷ Reportedly, in Adamawa and Taraba, PDP is deeply affected by the conduct of primaries and may most likely face future defections. As the deadline for submitting candidate nomination forms to INEC approaches (18 and 26 December 2014), politicians are expected to defect from the two main parties to smaller ones. These defections are influenced by whether smaller parties have the ground capacity to support a candidate in a given state. Disgruntled candidates are more likely to defect to parties such as APGA, Accord, or Labour, which have strong structures, especially in the Southern states but also countrywide. Among the Northern and Middle Belt states, especially in Adamawa and Nasarawa, the Peoples Democratic Movement (PDM) may attract aggrieved aspirants from other parties.

3. Scenarios for Future Party Strategies

The present expectation is that the result of the presidential elections will be close and therefore parties will make concerted efforts to defend their bases and reach out to, and mobilize an electorate that did not support them in the 2011 elections.

PDP will likely concentrate efforts on Southern and Middle Belt states to avoid losing the electorate that supported Jonathan in 2011. In order to compensate for a possible loss of votes in the North, PDP will have to mobilize more voters in the Southwest, which has probably the lowest rates of voter turnout in 2011. The number of registered voters represented 19 percent of the total registered voters across the Federation, yet the number of actual voters represented only 12 percent of the total votes cast nationally. Consequently, both parties will likely enhance efforts to encourage higher voter turnout among their supporters in the Southwest.

Gubernatorial elections in many Northern states are likely to be competitive. The relative dissatisfaction with the incumbent president in the North might make campaigning difficult for PDP in the region. For example, reports from Kaduna and Jigawa indicated that there are currently attempts to intimidate PDP supporters through threatening SMS and voice messages.

⁵⁵ ECA national researcher reports from Abia, Adamawa, Kaduna, and Niger states.

⁵⁶ ECA national researcher reports from Cross River, Kano, and Kwara states.

⁵⁷ *Premium Times*. “10 Reps Defect from PDP, APC, Others” (16 Dec 2014). Online. <<http://www.premiumtimesng.com/news/top-news/173362-10-reps-defect-pdp-apc-others.html>>.

In 2011, the Northeast represented 15 percent of nationally registered voters, and the number of actual voters also reflected 15 percent of the national totals. Parties may strive to preserve votes from the Northeast by advocating for the elections to be held in the states affected by Boko Haram and by devising a solution allowing internally displaced persons (IDPs) to vote. In the Northwest, both parties will vigorously contest the elections because the zone contains the highest number of registered voters in the country.

At campaign discourse level, PDP's main slogan is "continuity of the transformation agenda", pointing at its achievements during 14 years of rule in Nigeria. The APC is campaigning with a "change" theme, focusing on combatting insecurity and corruption. Both camps are accusing each other of supporting and benefitting from the Boko Haram insurgency and fanning the embers of national ethnic and religious fault lines.

B. SECURITY SETTING

Security remains a major concern in the run up to the February 2015 general elections. The following are the major security triggers and scenarios with less than 60 days to the elections.

1. Party Primaries

The party primaries, including presidential primaries of the main political parties were generally deemed peaceful, with only a few isolated incidents of violence. Cases of violence during the primaries point to scenarios for additional violence, particularly in states with a history of ferocious electoral contestation. For example, there was violence during the National Assembly and State Assembly primaries in some LGAs in Niger. According to reports, machetes, cutlasses, and knives were used on political opponents. Other violent incidents were reported in Lagos and Cross River involving aggrieved aspirants.

The potential for 'hate speech' during the campaign is a significant concern and could instigate tensions and even violence. Unless political parties and stakeholders agree to strictly adhere to the *Code of Conduct of Political Parties 2013*, hate speech and its adverse consequences cannot be ruled out in the campaigns.

2. Insurgency in the Northeast

The ongoing insurgency in the states of Adamawa, Borno, and Yobe continues to generate serious concern about preparations for elections. Kashim Shettima, the Governor of Borno, which is one of the worst insurgency hit states, said in a live *Channels Television* interview on 13 December 2014 that as far as he is concerned, "peace takes precedence over elections." For the Governor, "elections don't matter now"; his preference is protection of lives and for "peace and security to return to the state" in particular and the geopolitical zone in general.

3. Ethnic Rivalries/Contestations

Ethnic or religious differences remain potent causes for conflict in the 2015 elections, especially in states noted for violent ethnic fault-lines. In Nasarawa, the emergence of the 'Ombatse phenomenon' (an Eggon militia group) has resulted in numerous communal clashes and deaths between the Eggon ethnic group and five other ethnic groups—the Gwandara, the Alago, the Migili, and most recently, the Fulani and Kanuri. An apparent retaliatory attack occurred on 4 December 2014, when Fulani attacked and killed 14 people.⁵⁸

4. Proliferation of Small Arms and Light Weapons

Reports indicate an increasing inflow and possession of arms by civilians in the country. In Nasarawa, a large stockpile of assorted weapons—AK-47 rifles, machetes, bazookas, and short-guns—was reportedly discovered and confiscated by security forces. Another latent threat to peace is the alleged purchase from Norway under questionable circumstances, of seven "high-speed hulk-class guided-missile gunboats" by Government Ekpemupolo (aka Tompolo) a former Ijaw militant.⁵⁹ An even greater concern is the apparent reluctance, if not inability, of the Federal Government to curtail the stockpiling of arms by civilians.

⁵⁸ *Nigerian Tribune*. "Fulani Mercenaries Kill 9 Women, 5 others in Nasarawa" (4 Dec 2014). Online. <<http://www.tribune.com.ng/news/news-headlines/item/23245-fulani-mercenaries-kill-9-women-5-others-in-nasarawa/23245-fulani-mercenaries-kill-9-women-5-others-in-nasarawa>>.

⁵⁹ *The Nation*, Sunday (14 Dec 2014): p. 4. Print Edition.

5. Role of Security Forces

Security forces, especially the Federal Police, were deployed in large numbers during the primaries of all political parties. They generally maintained law and order at the election venues; however, worries continue by parties and voters about police neutrality towards the elections, especially on Election Day. There is also concern that their personnel numbers may be insufficient to maintain peace and prevent election violence during the elections and most importantly, after the declaration of presidential election results.

C. CONSTITUTIONAL AND LEGAL FRAMEWORK

There are several constitutional and legal issues pending resolution ahead of the 2015 electoral processes and preparations. Several electoral disputes are also pending resolution following the political party primaries. Expedited resolution of these disputes is necessary to mitigate potentially negative impact on election preparations, such as late decisions that force changes to the candidate lists and ballots.

Status of Senate and INEC Actions towards IDP Voting

The Senate of the National Assembly passed a resolution on 16 December 2014 directing an internal liaison committee to ensure that INEC establishes special polling units for IDPs to vote.⁶⁰ The non-binding resolution was in response to a bill submitted in November 2014 by a Borno State Senator that proposed an amendment to the Electoral Act 2010 (as amended).⁶¹ The potential for disenfranchising anywhere between 700,000 and 1.5 million citizens⁶² from the Northeast is considered a serious breach of constitutional voting rights. Candidates from the zone, especially areas most affected by the Boko Haram insurgency are appropriately concerned about the impact in their constituencies.

INEC reported in two different meetings with DGD II-ECA analysts in December 2014 that there is no legal framework for addressing IDP voting. Given that efforts to amend the Electoral Act remained stalled in the House of Representatives, the Senate decided there is insufficient time to address the issue of IDPs. Instead, the bill was withdrawn and the resolution passed; however, this resolution only serves as an expression of concern rather than a concrete effort to address the issue. After pressure from national and international stakeholders, the INEC Chairperson will reportedly convene a special committee during the week of 15 December 2014 to review procedural options available within the current Electoral Act.

Status of President Jonathan's Eligibility Case

The court case challenging the eligibility of President Goodluck Jonathan to run for office in 2015 remains pending in the Federal High Court in Abuja and an application to transfer the suit to the Court of Appeal will be heard on 12 January 2015.⁶³ The plaintiffs are seeking a decision on whether "a person sworn into office of the President on two previous terms is deemed to have been elected to that office at two previous elections".⁶⁴ An appeal related to the application to join the case was

⁶⁰ *Punch*. "Senate Directs INEC to Establish Polling Units for IDPs" (16 Dec 2104). Online. <<http://www.punchng.com/news/senate-directs-inec-to-establish-polling-units-for-idps/>>.

⁶¹ *Daily Post*. "Senate Set to Amend Electoral Act to Accommodate Displaced Persons" (19 Nov 2014). Online. <<http://dailypost.ng/2014/11/19/senate-set-amend-electoral-act-accommodate-displaced-persons/>>.

⁶² The official number of IDPs is a matter of debate. The United Nations (UN) reports no fewer than 700,000 IDPs from the North-East, while the Internal Displacement Monitoring Centre (IDMC) places that number as high as 1.5 million. See, *Nigerian Tribune*. "Insurgency has displaced 700,000 people in Nigeria—UN" (16 Dec 2014). Online. <<http://www.tribune.com.ng/news/news-headlines/item/24283-insurgency-has-displaced-700-000-people-in-nigeria-un>>. See also, *IDMC*. "Nigeria: Multiple Displacement Crises Overshadowed by Boko Haram", Norwegian Refugee Council (9 Dec 2014).

⁶³ *Premium Times*. "Jonathan's Eligibility: FG Opposes Request for Case Transfer Appeal Court" (16 Dec 2014). Online. <<http://www.tribune.com.ng/news/news-headlines/item/24289-jonathan-s-eligibility-fg-opposes-request-for-case-transfer-to-appeal-court>>.

⁶⁴ *Nigerian Tribune*. "Jonathan's Eligibility: FG Opposes Request for Case Transfer Appeal Court" (16 Dec 2014). Online. <<http://www.tribune.com.ng/news/news-headlines/item/24289-jonathan-s-eligibility-fg-opposes-request-for-case-transfer-to-appeal-court/24289-jonathan-s-eligibility-fg-opposes-request-for-case-transfer-to-appeal-court>>.

dismissed by the Supreme Court on 16 December 2014.⁶⁵ This high-profile case presents a serious challenge to the courts as the potential for political pressure for non-intervention may influence the court's capacity to decide a major constitutional question.

Status of Post-primary Electoral Disputes among the States

In the period following the political party primaries, administrative and judicial dispute resolution mechanisms were employed by aggrieved aspirants challenging the outcomes. Resolution of these petitions is a priority, as the decisions may impact the submission of candidates' list to INEC. The legal deadline for submitting formal candidate nomination lists to INEC is 18 December 2014 for federal constituencies and 26 December 2014 for state constituencies.⁶⁶ Parties may withdraw or substitute federal and state candidates until 30 December 2014 and 13 January 2015, respectively.⁶⁷ Any further delays from administrative redress in the courts or late court decisions may impact the production and distribution of ballot papers in advance of federal and state elections on 14 and 28 February 2015 respectively, as the name logo of all party contesting the election must be on the ballot paper.

According to reports, redress was pursued using three methods: 1) internal party appeals, 2) competent court cases, and 3) INEC procedural complaints:

Internal Party Appeals. Aggrieved aspirants from three political parties—PDP, APC, and APGA—submitted petitions to internal party mechanisms for review and redress in six of 19 states selected for DGD II-ECA focus. The principal complaints involved procedural irregularities, candidate qualifications, state leadership authority, and questionable primary election results.

In Rivers, a PDP senatorial aspirant complained that procedural irregularities prevented his nomination. In Nasarawa, APC legislative aspirants filed grievances with the national election screening committee challenging the qualifications of nominated candidates. In Abia and Anambra, APGA and PDP aspirants conducted parallel primaries in both states as the question of legitimate state party leadership created competing positions. In Bauchi, APC state assembly and gubernatorial aspirants appealed the conduct and outcome of respective primaries.

Internal panels from the respective national party secretariats are active and hearings are ongoing with some decisions issued and others pending. Court cases are likely if internal dispute resolution does not satisfy the aggrieved aspirants.

Competent Court Cases. Aggrieved aspirants from PDP, APC, and APGA filed cases at the Federal High Court to seek legal redress in eight of 19 focal states. The principal complaints include procedural irregularities, substituted delegate lists, primary election conduct, party leadership authority, undue influence on primary election outcomes, and non-delegate accreditations.

In Kano, a PDP gubernatorial aspirant claimed irregularities, while three women joined the suit claiming their rights to vote as delegates were denied. In Bauchi, APC state assembly aspirants are challenging the conduct and outcome of primary elections. In Oyo, a PDP gubernatorial aspirant was granted a court injunction to prevent the use of a substituted delegate list, but the party refused to obey the order and the aspirant decamped to Social Democratic Party (SDP). In Cross River, a PDP sitting senator challenged the state primaries as a 'flawed process' due to the influence of the current governor backing the winning new candidates against incumbent challengers. In Abia, APGA is

⁶⁵ *Leadership*. "Supreme Court Dismisses Suit against Jonathan's Eligibility" (17 Dec 2014). Online.

⁶⁶ *Leadership*. "INEC Extends Submission of Governor, State Assembly Candidates" (19 Dec 2014). Online. <<http://leadership.ng/news/396343/inec-extends-submission-gov-state-assembly-candidates>>.

⁶⁷ INEC. "Time Table and Schedule of Activities for General Elections 2015" (24 Jan 2014).

struggling with an unresolved leadership question that resulted in parallel primaries and several federal and state court judgments and counter-judgments, creating confusion over jurisdiction. In Enugu, parallel PDP primaries resulted in duplicate aspirants and the Federal High Court issued *ex parte* injunctions and restraining orders preventing aspirants from claiming candidacy until the pending cases are decided.

INEC Procedural Complaints. Only Adamawa is reported to have submitted petition to INEC by PDP Stakeholders and Aspirants Forum. The group of aggrieved party members reportedly petitioned over the manner in which the party conducted the State and National Assembly primaries. They claim that the conduct of the primaries violated the Electoral Act procedural rules and a court order lifting the suspension of the state executive of the party. In Rivers, an INEC official disclosed that the Commission is reluctant to become involved in internal party dynamics due to the difficulty of proving or redressing claims for activities that often take place behind closed doors.

Heightened Role of the Judiciary

The legal framework provides aggrieved parties with dispute resolution mechanisms through either court remedies or administrative decisions. The court's constitutional mandate provides greater authority as court orders are the final legal word on electoral matters. However, the focus on judicial redress places a burden on the competent courts prior to elections and on the temporary election tribunals after elections to decide cases that could impact electoral outcomes. Internal party appeals or INEC procedural redress does not carry the same legal weight and unresolved issues can be filed with the courts if petitioners are unsatisfied with administrative decisions. The competing needs for expedited decisions and definitive legal authority create significant challenge to resolving electoral disputes and mitigating tensions over electoral outcomes.

The apparent trend ahead of the 2015 elections is for aggrieved aspirants to first seek redress through internal party mechanisms rather than rushing to court or INEC. Prior to the 2011 elections, approximately 375 complaints were filed directly to INEC and more than 400 petitions to the courts throughout the country.⁶⁸ According to INEC, as of 16 December 2014, no *ex parte* court orders directly affecting INEC had been received by the Commission. Court cases may increase over time if internal resolutions fail, but party members appear to be relying on other dispute resolution channels rather than involving INEC in legal entanglements that could potentially hinder electoral processes.

⁶⁸ European Union (EU)-Election Observation Mission (EOM) to Nigeria. *Final Report on the 2011 General Elections* (2012): pp. 5-6. <http://www.eueom.eu/files/dmfile/final-report-nigeria2011_en.pdf>.

D. ELECTORAL MANAGEMENT AND ADMINISTRATION

1. Permanent Voter Cards (PVCs) and Continuous Voter Registration (CVR)

The PVC distribution and CVR exercises are ongoing. At the INEC meeting on 15 December 2014, Resident Electoral Commissioners (RECs) from the 36 states and FCT Abuja reported on the current status of the PVC distribution exercise. According to available information in mid-December, the distribution of PVC stands at 67.8 percent nationwide with some states reporting more than 80 percent distribution rates (Sokoto 89 percent, Jigawa 87 percent, Bauchi 84 percent, and Yobe 80 percent). Some states though, have reached only 45 percent or less (Benue 44 percent, Enugu 45 percent, and FCT 44 percent). The exercise is still ongoing, lasting until the end of January 2015 and distribution increases are envisaged as the election approaches.

Although INEC has given assurances that the PVC of eligible voters captures during the CVR will be ready before the elections, concerns has been expressed about the possibility of producing and distributing these cards to the voters before the elections. INEC has indicated that PVC smart card readers will be used for the February 2015 general elections. However, only 120,000 out of the requisitioned 177,000 card readers have been delivered to the Commission. On 13 December 2014, INEC conducted a mock exercise using the card readers at selected polling units in Abuja. The exercise showed that the card reader takes an average of 30 seconds to verify a card and an overall average of one minute to attend to a voter. INEC needs to improve its publicity and communication strategy to increase awareness of voters about PVC distribution and CVR exercise.

The procurement of all other electoral materials may be pending the release of the final tranche electoral budget to INEC by the government. It is estimated that as of December 2014, about 68 percent of electoral budget of a total of 102 billion Naira has been released, which enabled INEC to proceed with procurement of the outstanding card readers, among other materials.

2. Monitoring Party Primaries

According to obligations outlined in the legal framework, INEC monitored the conduct of party primaries at all levels and expressed a general satisfaction with the exercise, characterised by marked improvements in comparison to primaries conducted ahead of the 2011 elections. There were, however, public statements released by INEC officials,⁶⁹ cautioning election stakeholders on the declining standards of “internal democracy” within the parties. Upon finalization of party primary monitoring, each REC is to submit a report to INEC on the conducted primaries in her/his respective state. INEC’s final evaluation of the party primaries will be based upon the presented evidence from the states.

3. Internally Displaced Persons (IDPs)

Although INEC is proposing to constitute a task force to explore how IDPs can vote in the 2015 general elections, the voting rights of IDPs remain uncertain. Currently, the most probable scenario is that elections will hold in Abuja and all 36 states across the country; however, in the three North-eastern states affected by the Boko Haram insurgency, elections may only take place in selected wards/polling units considered safe enough and secured by security forces. INEC does not intend to deploy its ad-hoc staff in areas where their lives could be at risk. This decision is taking into consideration, among

⁶⁹ In December 2014, INEC RECs in Cross River, Adamawa, Plateau, and Oyo states issued public statements cautioning election stakeholders on the declining standards of ‘internal democracy’ within the parties following disputed primaries and subsequent violence.

others, the killing of members of the National Youth Service Corps (NYSC) who were serving as ad-hoc staff during the 2011 elections.⁷⁰

Within the existing legal framework, INEC is considering strategies to enable as many IDPs as possible to vote. One possible solution is to enable IDPs to transfer their vote, but this process, designed for permanent movements rather than temporary ones, takes time to accomplish. An additional complication for INEC is posed by differing estimates on the total number of affected IDPs, which vary between 700,000 and 1.5 million. The unresolved situation continues to represent one of the most serious threats to the credibility of the upcoming elections.

4. Electoral Preparations

INEC has finalized preparation of electoral procedures and guidelines for the use of its staff during the elections. Representatives of political party representatives were consulted over the guidelines at a meeting on 16 December 2014. Recruitment of INEC ad hoc staff is ongoing online and INEC has indicated that it has received a sufficient number of applications from across the country, including from the North-eastern states.

Within the framework of the Election Risk Management (ERM) project, conducted in cooperation with the International IDEA and the African Union (AU), INEC deployed staff in each state to track and monitor potential risks and triggers of electoral violence. The reports from the field are sent to and analysed by the ERM secretariat at the national level to guide Election Day planning and deployment.

Many of the timelines as outlined in the February 2014 Election Project Plan (EPP) that were not met are adjusted accordingly. This is especially in reference to the critical minimum margin after which deadlines cannot be changed in the so-called 12-day 'red zone' before, and immediately after Election Day to ensure timely procurement, distribution retrieval of all materials and INEC staff .

The distribution of non-sensitive and sensitive materials will be performed with logistics support from Armed forces, as well as private companies. In contrast to the 2011 elections, when all materials were distributed from the national headquarters, in 2015, the materials will be dispatched from designated distribution centres nationwide directly to the states. Ballot papers will be batched and delivered directly from the printing company to the offices of the Central Bank in Abuja and all 36 states. The distribution of non-sensitive material to Super Area Registration Camps (Super RAC) Area Registration Camps—distribution points created specifically for this purpose—will follow on 11 February and distribution of sensitive materials on 13 February 2015, one day ahead of election. The creation of registration area camps and their proximity to polling units is meant to facilitate the final disbursement of materials to polling unit level the night ahead of elections.

⁷⁰ *Human Rights Watch*. "Nigeria: Post-Election Violence Killed 800: Promptly Prosecute Offenders, Address Underlying Causes" (17 May 2011). Online. <<http://www.hrw.org/news/2011/05/16/nigeria-post-election-violence-killed-800>>.

E. HUMAN RIGHTS AND SOCIAL ACTORS

1. Human Rights

The right to vote is a key human rights issue with respect to the electoral process. IDPs are at risk of being disenfranchised due to the legal requirement to vote at the polling unit where registered. The number of IDPs continues to grow. The Transition Monitoring Group (TMG) issued the first of a series of pre-election reports drawing on data from observers located within each of the 774 LGAs across the country. A particular concern is that during the period of 14-27 November 2014, over 40 percent of the LGAs in the Northeast zone experienced significant movements of persons (100 or more) due to conflict, natural disaster, or an apparent effort to influence voting patterns.⁷¹ This report supports other information anticipating growing numbers of IDPs in the Northeast towards the 2015 elections.

2. Civil Society Organizations (CSOs)

The observation of party primaries by CSOs varied widely across the states, and in some instances, the nature of the primary process did not permit observation at all. In several states—such as Kaduna, Nasarawa, and Delta—some nominal CSOs were in fact partisan groups whose purposes in observing the primary process was to generate political support for their chosen aspirants. Other states reported that the lack of CSO observers in more rural locations raised concerns that those areas might be vulnerable to electoral malpractice during the general election.

3. Media Coverage

Media coverage of PDP and APC national primaries was extensive, with proceedings broadcasted live on various television channels. One noticeable difference between the coverage of PDP and APC was that virtually all channels covered the PDP primary for extended periods throughout the day and into the night, while APC coverage was limited primarily to Nigeria Television Authority (NTA) and for shorter durations. On a positive note, media was reported to have played a key role in informing the electorate of the primary process in Kano State.

4. All Voters

The TMG pre-election observation report noted that civic and voter education (CVE) campaigns had been reported in 30-50 percent of the LGAs in the various geopolitical zones. These CVE activities were carried out by CSOs, INEC, and the National Orientation Agency (NOA). These early reports are encouraging signs that most voters will have the opportunity to receive at least some relevant voter education prior to the 2015 elections.

5. Women

Generally, the number of women aspirants adopted as candidates for the 2015 elections appears to be similar or a little better than the number for the 2011 elections. In many states, the parties adopted between one and three female aspirants for the National Assembly and much more for the State Houses of Assembly.

There are a few notable instances to report—some encouraging and others not:

- ◆ In Taraba, APC adopted incumbent Senator Aisha Jumai Alhassan as its gubernatorial candidate. Reports indicate that Senator Alhassan has significant political support. If elected, she would be the first woman governor in Nigeria.

⁷¹ Transition Monitoring Group (TMG). “TMG Conducting Pre-Election Observation: November 14, 2014-February 7, 2015” (Dec 2014): p. 4.

- ◆ In Kaduna, incumbent PDP Senator Nenadi Esther Usman lost her re-nomination bid to a male aspirant. Reports indicated that there were two factors contributing to Senator Usman's defeat: 1) dissatisfaction with her performance as Senator and 2) the fact that she is a Christian married to a Muslim traditional leader.
- ◆ In Abia, incumbent Senator Nkechi Nwaogu was denied the PDP gubernatorial candidacy, and having failed to secure gubernatorial nomination, she was denied the PDP senatorial nomination to return to the National Assembly.
- ◆ In Cross River, reports indicate that an "overwhelming number of youths and female candidates" were adopted for the State House of Assembly seats. As discussed in the first National Political Development Report, the First Lady of Cross River embarked on effort within the PDP to affect a policy of encouraging women aspirants. The number of candidates adopted at the state level may reflect the success of that effort.
- ◆ In Lagos, the Unity Party of Nigeria (UPN) adopted as its gubernatorial candidate, Chief Mrs. Dupe Onitiri-Abiola, widow of politician and businessman, Chief MKO Abiola. Ms. Abike Dabiri-Erewa, a ranking APC member of the House of Representative did not re-contest her position

6. Youths

Under the Nigeria National Youth Policy, youths are defined as people aged 18-35.⁷² Despite this formal definition, many aspirants and candidates, ranging in ages from late 30s to late 40s are often described as "youths". In Katsina, Taraba, and Cross River, a significant number of youths were reportedly adopted as candidates for the State Houses of Assembly.

7. Persons with Disabilities (PWDs)

As indicated in the First National Political Development Report by the DGD II ECA team of 12 December 2014, PWDs face daunting barriers being adopted as candidates for political office. Nevertheless, there was one successful nomination in Jigawa and two unsuccessful efforts in Adamawa and Niger.

⁷² *Second National Youth Policy Document of the Federation of Nigeria* (2009): p. 6.